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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JANUARY 10, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

REGULAR MEETING
ROOM 551
5:30 p.m.

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. **Closed Session**
Government Code 54957
PUBLIC EMPLOYEE APPOINTMENT
Title: Chief of Police
4. Vote on Whether to Disclose Closed Session Discussion
5. Appointment of Chief of Police
6. Police Commission Report
 - a. Motion for Calendaring of New Items
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

DOCUMENTS DEPT.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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Minutes

JANUARY 10, 1996REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong

Commissioner Keker opened the meeting, introduced himself and other members of the Commission and then took nominations for officers. Motion by Commissioner Medina, second by Commissioner Hewlett. Commissioner Keker nominated for President. Commissioner Norman nominated for Vice President. Motion approved 5-0.

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

There was no closed session.

APPOINTMENT OF CHIEF OF POLICE

Motion by Commissioner Hewlett, second by Commissioner Medina that Fred Lau be appointed Chief of Police. Matter approved 5-0.

Commissioner Keker then congratulated Chief Lau and indicated that there would be an official swearing-in some time next week.

RESOLUTION NO. 1-96APPOINTMENT OF FRED H. LAU AS CHIEF OF POLICE

RESOLVED, that the Police Commission unanimously appoints Fred H. Lau as the Chief of Police of the San Francisco Police Department.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Fred Lau thanked everyone for their support and thanked the Commission for their confidence in appointing him Chief of Police.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer described to the new Commissioners the duties and responsibilities of the OCC and he introduced John Parker and Barbara Attard as Senior Investigators and also Bruce Kapsack as the OCC Attorney.

He also informed the Commissioners of the upcoming hiring of three additional investigators hopefully sometime in late January.

He then asked permission to take some vacation time January 11th through the 16th. That was approved by Commissioner Keker.

PUBLIC COMMENTS

Daniel discussed concerns regarding reforming the Police Department and his concerns with actions of the police officers.

Gerard Koskovich expressed concerns regarding discipline within the department.

Thereafter, the meeting was adjourned at 5:50 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JANUARY 17, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CLOSED SESSION

ROOM 505-2

4:45 p.m.

Government Code Section 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:

- a. San Francisco Police Officers' Association, et al. v. The Police Commission of the City and County of San Francisco, et al., No. C-95-4459 TEH, United States District Court
- b. San Francisco Police Officers' Association, et al. v. City and County of San Francisco, et al., No. 973-988, San Francisco Superior Court
- c. Consuelo Bartenfeld v. CCSF, et al., Superior Court No. 961-353
- d. Flavio Medina, et al v. CCSF, Municipal Court No. 117-249
- e. Marcia Rayene v. CCSF, Municipal Court No. 112-371

REGULAR MEETING

ROOM 551

5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
 - a. Motion for Calendaring of New Items





The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JANUARY 17, 1996

REGULAR MEETING

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Presentation of OCC's Statistical Report, November 1995
9. Discussion and Action re: Annual Audit, SFPD General Order 8.10, Guidelines for First Amendment Activities
10. Report on San Francisco Police Boat Patrol
11. Request of the Chief of Police for Approval to Appropriate \$183,200 from the Narcotics Seizure and Asset Forfeiture Fund, a Special Revenue Fund, to Purchase Laboratory Equipment for Use in the Criminalistic Laboratory
12. Request of the Chief of Police to Accept Gift of Mobile Generator from the Department of the Army, value to exceed \$5000.00
13. Assignment of Pending Discipline Cases to Commissioners and Assignment of Commissioner and Setting of Date on Charges Filed Against Inspector Bradley Nicholson, Homicide Detail (File No. C56-150 RLC)
14. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, JANUARY 17, 1996

CONSENT CALENDAR

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Consuelo Bartenfeld v. CCSF, et al, Superior Court No. 961-353
 - b. Flavio Medina, et al v. CCSF, Municipal Court No. 117-249
 - c. Marcia Rayene v. CCSF, Municipal Court No. 112-371
2. Request for Approval to Accept a Donation of a 1985 Honda ATV, from City Tow Company, valued at \$400.00, to be Use by the Auto Theft Detail
3. Request for Approval to Accept Donation of an Antique Police Vehicle, from Sergeant Robert Fitzer, for Use in Public Relations Activities for the Department
4. Request of Officer Gianrico Claudio Pierucci for Approval to Accept a \$100.00 Nordstrom Gift Certificate, from Mr. Larry Shih
5. Request for Approval of Report of Expenditures from the Chief's Contingent Fund for the Month of November 1995

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1/17/96
JANUARY 17, 1996

Minutes
CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 4:50 p.m. to 5:35 p.m., in Closed Session.

DOCUMENTS DEPT.

Government Code Section 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:

JUL 29 1996

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- a. San Francisco Police Officers' Association, et al v. The Police Commission of the City and County of San Francisco, et al., No. C-95-4459 TEH, United States District Court
- b. San Francisco Police Officers' Association, et al. v. City and County of San Francisco, et al., No. 973-988, San Francisco Superior Court
- c. Consuelo Bartenfeld v. CCSF, et al., Superior Court No. 961-353
- d. Flavio Medina, et al. v. CCSF, Municipal Court No. 117-249
- e. Marcia Rayene v. CCSF, Municipal Court No. 112-371

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong

JANUARY 17, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

Commissioner Keker stated the Commission met in Closed Session on attorney-client matters and disclosed no further information.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Medina, second by Commissioner Norman. Matter approved 5-0.

RESOLUTION NO. 2-96

CONSUELO BARTENFELD v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Consuelo Bartenfeld v. City and County of San Francisco, Richard Bill Jue, et al" in San Francisco Superior Court No. 961-353 for damages sustained, be, and the same is hereby approved.

Date of Incident: September 24, 1993

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 3-96

FLAVIO MEDINA, et al v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation and cross-complaint of "Flavio Medina v. City and County of San Francisco" in San Francisco Municipal Court No. 117-249 for damages sustained, be, and the same is hereby approved.

Date of Incident: July 27, 1994

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 4-96

MARCIA RAYENE v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation and cross-complaint of "Marcia Rayene v. CCSF" in San Francisco Municipal Court No. 112-371 for damages sustained, be, and the same is hereby approved.

Date of Incident: November 27, 1990

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 5-96

APPROVAL TO ACCEPT A DONATION OF 1985 HONDA ATV, FROM CITY TOW COMPANY, VALUED AT \$400.00, TO BE USE BY THE AUTO THEFT DETAIL

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a 1985 Honda ATV, from City Tow Company, valued at \$400.00, to be use by the Auto Theft Detail.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 6-96

APPROVAL TO ACCEPT DONATION OF AN ANTIQUE POLICE VEHICLE, FROM SERGEANT ROBERT FITZER, FOR USE IN PUBLIC RELATIONS ACTIVITIES FOR THE DEPARTMENT

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation of an antique police vehicle, from Sergeant Robert Fitzer, for use in Public Relations activities for the Department.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 7-96

APPROVAL OF REQUEST OF OFFICER GIANRICO CLAUDIO PIERUCCI TO ACCEPT A \$100.00 NORDSTROM GIFT CERTIFICATE, FROM MR. LARRY SHIH

RESOLVED, that the Police Commission hereby approves the request of Officer Pierucci to accept a \$100.00 Nordstrom Gift Certificate, from Mr. Larry Shih.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 8-96

APPROVAL OF REPORT OF EXPENDITURES FROM THE CHIEF'S CONTINGENT FUND FOR THE MONTH OF NOVEMBER, 1995

RESOLVED, that the Police Commission hereby approves report of expenditures from the Chief's Contingent Fund for the month of November, 1995.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

POLICE COMMISSION REPORT

No Police Commissioner report.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau announced his new command staff; Earl Sanders, Assistant Chief; Richard Holder, Deputy Chief of FOB; John Willett, Deputy Chief of Investigations; William Welch, Deputy Chief of Administration; Joaquin Santos, Commander of Patrol; Melinda Pengel, Commander of Special Operations. The Chief indicated the swearing-in ceremony would be on January 18th, at 11:00 a.m., in which he and the command staff will be officially sworn in.

The Chief then thanked retiring Deputy Chief Reed and Deputy Chief Philpott for their service to the department over the years. He thanked Deputy Chief Petrini and Commander Martel for their services.

Commissioner Medina read a statement praising Deputy Chief Reed.

Commissioner Keker then commended Chief Reed and then Deputy Chief Reed acknowledged and commented on his career.

Commissioner Hewlett then personally thanked Deputy Chiefs Reed and Philpott for their service over the years.

Commissioner Keker also acknowledged and thanked Deputy Chief Philpott and Chief Philpott spoke to the Commission and thanked them and the Chief and the Department.

REQUEST FOR AUTHORIZATION TO USE CURRENT FUNDING FOR Q-50 SERGEANT POSITIONS TO FUND UP TO ELEVEN Q-60 PERMANENT LIEUTENANT POSITIONS; REQUEST FOR AUTHORIZATION TO USE CURRENT FUNDING FOR ONE 0400 DEPUTY CHIEF POSITION TO FUND ONE 0395 ASSISTANT CHIEF POSITION; DECLARATION OF EXEMPT POSITION; AND REQUEST FOR AUTHORIZATION OF ANY NECESSARY SUPPLEMENTAL APPROPRIATION TO FUND SAME

Taken out of order.

Lieutenant Fagan presented request for authorization. Motion by Commissioner Hewlett, second by Commissioner Wong. Request approved 5-0.

RESOLUTION NO. 12-96

AUTHORIZATION TO USE CURRENT FUNDING FOR Q-50 SERGEANT POSITIONS TO FUND UP TO ELEVEN Q-60 PERMANENT LIEUTENANT POSITIONS; REQUEST FOR AUTHORIZATION TO USE CURRENT FUNDING FOR ONE 0400 DEPUTY CHIEF POSITION TO FUND ONE 0395 ASSISTANT CHIEF POSITION; DECLARATION OF EXEMPT POSITION; AND REQUEST FOR AUTHORIZATION OF ANY NECESSARY SUPPLEMENTAL APPROPRIATION TO FUND SAME

WHEREAS, in order to ensure adequate supervision for approximately 200 new Q2 Police Officers, and;

WHEREAS, in order to ensure the efficient administration of the Police Department; now therefore be it

RESOLVED, that the Police Commission hereby approves the reclassification of eleven Q50 Sergeant Positions to eleven Q60 Lieutenant Positions, and Reclassification of one 0400 Deputy Chief Position to one 0395 Assistant Chief Position, at no net cost to the City (Appendix II).

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

(ADDED ITEM)

EXEMPTION OF ASSISTANT CHIEF OF POLICE POSITION FROM CIVIL SERVICE PROVISIONS

On advised of Deputy City Attorney Linda Ross, the Commission declared the position of Assistant Chief exempt from Civil Service provisions and a motion by Commissioner Hewlett, second by Commissioner Norman. Approved 5-0.

RESOLUTION NO. 21-96

REQUEST FOR APPROVAL TO ESTABLISH THE RANK AND POSITION OF ASSISTANT CHIEF OF POLICE AND THAT THE POSITION OF ASSISTANT CHIEF OF POLICE BE EXEMPT FROM THE CIVIL SERVICE PROVISIONS OF THE CHARTER

WHEREAS, the Police Commission, pursuant to Charter section 3.530, has the power to create the rank and position of Assistant Chief of Police; and

WHEREAS, the Police Commission, pursuant to Charter section 3.530, has the power to declare the position of Assistant Chief of Police to be exempt from the Civil Service provisions of the Charter, subject to the recommendation of the Civil Service Commission, which has been obtained, and the approval of the Board of Supervisors; therefore be it

RESOLVED, pursuant to San Francisco Charter section 3.530, the Police Commission hereby establishes the rank and position of Assistant Chief of Police and declares that the position of Assistant Chief of Police shall be exempt from the civil service provisions of the Charter; and

FURTHER RESOLVED, the Police Commission hereby requests that the Board of Supervisors approve this action.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau then asked that his organizational plan be calendared for presentation to the Commission on the 31st.

REPORT ON SAN FRANCISCO POLICE BOAT PATROL

Taken out of order. Matter to be put over to a later date.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

OCC Director Lance Bayer thanked Deputy Chief s Philpott and Petrini and Commander Martel for their cooperation and assistance during their tenure.

He also asked that the OCC supplemental budget request be calendared for the 24th. He then updated the Commission on hiring process of the three openings for investigators. He stated he was hopeful that the new investigators will be on board within a few weeks.

PRESENTATION OF OCC'S STATISTICAL REPORT, NOVEMBER 1995

Director Bayer presented the November statistics.

Commissioner Medina then discussed concerns regarding hiring of new investigators, the process, the number of applicants and whether or not bilingual investigators were sought.

DISCUSSION AND ACTION RE: ANNUAL AUDIT, SFPD GENERAL ORDER 8.10, GUIDELINES FOR FIRST AMENDMENT ACTIVITIES

Commissioner Hewlett described the requirement of an annual audit by General Order. John Parker presented the audit. He stated there were only two investigations last year authorized and that Commissioner Hewlett will complete the monthly audit as required.

Lieutenant Ron Roth then described procedures of the audit.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO APPROPRIATE \$183,200 FROM THE NARCOTICS SEIZURE AND ASSET FUND, A SPECIAL REVENUE FUND, TO PURCHASE LABORATORY EQUIPMENT FOR USE IN THE CRIMINALISTIC LABORATORY

Lieutenant Alex Fagan, Fiscal, presented request. Motion by Commissioner Medina, second by Commissioner Hewlett. Approved 5-0.

RESOLUTION NO. 9-96

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO APPROPRIATE \$183,200 FROM THE NARCOTICS SEIZURE AND ASSET FORFEITURE FUND, A SPECIAL REVENUE FUND, TO PURCHASE LABORATORY EQUIPMENT FOR USE IN THE CRIMINALISTIC LABORATORY

WHEREAS, the Police Department wishes to appropriate funds from the Narcotics Seizure and Asset Forfeiture Fund, and;

WHEREAS, the funds are requested for the purchase of two Gas Chromatograph/Mass Spectrophotometers, at \$80,400 each, and;

WHEREAS, the funds will also be used to purchase one Fourier Transform Infrared Spectrophotometer, at \$22,400, and;

WHEREAS, the equipment will be used exclusively for the analysis of narcotics evidence; now therefore be it

RESOLVED, that the Police Commission hereby approves the appropriation (Appendix I, Attachment 1) of \$183,200 to purchase three items of laboratory equipment, from the Narcotics Seizure and Asset Forfeiture Fund.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 10-96

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO ACCEPT GIFT OF A MOBILE GENERATOR FROM THE DEPARTMENT OF THE ARMY, VALUE TO EXCEED \$5000.00

WHEREAS, the San Francisco Police Department is in need of generators to be available in emergency situations; and

WHEREAS, the Department of the Army has offered to donate the following generators valued at over Five Thousand (\$5,000.00) dollars each to the Police Department:

Four Generators with trailers, Stock #6115-00-118-1241

WHEREAS, the civil-minded gesture will facilitate needed assistance in the protection of life and property in San Francisco; and

WHEREAS, Section 10.116 of the San Francisco Administrative Code requires approval of the Board of Supervisors for acceptance of those gifts to the City and County of a value of more than Five Thousand (\$5,000.00) dollars; and

WHEREAS, the generators meet a need for service in the Police Department; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco urges the Board of Supervisors to authorize the Chief of Police to accept, on behalf of the San Francisco Police Department, a gift of four generators from the Department of the Army.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

THE UNIVERSITY OF CHICAGO

IN THE DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

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**ASSIGNMENT OF PENDING DISCIPLINE CASES TO COMMISSIONERS AND
ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE ON CHARGES
FILED AGAINST INSPECTOR BRADLEY NICHOLSON, HOMICIDE DETAIL
(FILE NO. C56-150 RLC)**

Commissioner Keker stated that all disciplinary cases be calendared for the 24th for assignment to the Commissioners. He also stated that he would be handling coordination of the Aaron Williams and 938 Harrison prehearing matters.

RESOLUTION NO. 11-96

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING
OF EVIDENCE ON CHARGES FILED AGAINST INSPECTOR BRADLEY
NICHOLSON, HOMICIDE DETAIL (FILE NO. C56-150 RLC)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Inspector Bradley Nicholson, Homicide Detail, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Nicholson; therefore be it


RESOLVED, that Commissioner Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Bradley Nicholson and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

PUBLIC COMMENTS

Jim, taxi driver, asked regarding any changes in the Taxi Detail personnel.
Commissioner Medina asked to schedule status on 911 issues for public.

Thereafter, the meeting was adjourned at 6:55 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JANUARY 24, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

REGULAR MEETING
ROOM 551
5:30 p.m.

DOCUMENTS DEPT.

JAN 25 1996

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JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
 - a. Resignation of Officer Thomas O'Sullivan
(File No. C56-140 RLC)
5. Chief's Report to the Police Commission
6. OCC Director's Report to the Police Commission
7. Request of the Director of Office of Citizens Complaint for Supplemental Budget Appropriation in the amount of \$108,707 for the Hiring of Additional Investigators and other Related Costs
8. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Richard K. Benjamin, Central Station (File No. C56-040 JWA)
9. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Anthony B. Gomes, Central Station (File No. C56-042 JWA)
10. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Carl A. Payne, Central Station (File No. C56-041 JWA)
11. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Hoyt Wong, Planning Division (File No. 0302-95)



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, JANUARY 24, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

12. Adoption of Procedures Available for Use in Trials of Disciplinary Cases
13. Prehearing Conferences and Setting of Dates in the Disciplinary Matters of:

Officer James Acevedo	Officer Gregory Breslin
Officer Donnie Cartwright	Officer James Deignan
Officer Mary Espinoza	Officer Gary Fagundes
Inspector Robert Hernandez	Officer Frances Hogue
Officer Steven Landi	Officer Susan Moneyhun
Inspector Bradley Nicholson	Officer Joseph Perrone

938 HARRISON STREET INCIDENT

Captain Michael Yalon	Lieutenant John Ehrlich
Sergeant John Haggett	Sergeant Stephen Bosshard
Sergeant Ed Santos	Officer Hoyt Wong

AARON WILLIAMS MATTER

Officer Stephen Zimmerman	Officer Marc Andaya
Officer Gregory Neal	Officer Kirk Bozin
Officer Gerald Louie	Officer Arnaldo Aleman
Officer Catherine Bianchi	Officer Randy Flannery
Officer Peter Ionin	

14. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
15. Hearing on Charges Filed Against Officer Clifton A. Matthews, Support Services Division
(File Nos. C45-018, C45-133, C34-136 & C34-144 JWA)



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JANUARY 24, 1996

CONSENT CALENDAR

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Request for Approval to Accept Donation of Two (2) Wheelchairs, from Mr. Paul Imperiale, Valued at less than \$1000.00, to be Used for Training

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SF
P45
#2
1/24/96
JANUARY 24, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:30 p.m., in a Regular Meeting. DOCUMENTS DEPT.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong

JUL 29 1996

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APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Medina, second by Commissioner Hewlett. Approved
5-0.

RESOLUTION NO. 19-96

APPROVAL TO ACCEPT DONATION OF TWO (2) WHEELCHAIRS, FROM
MR. PAUL IMPERIALE, VALUED AT LESS THAN \$1000.00 TO BE USED FOR
TRAINING

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of two (2) wheelchairs, from Mr. Paul Imperiale, valued at less than \$1000.00, to be used for training.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

POLICE COMMISSION REPORT

- a. **Resignation of Officer Thomas O'Sullivan**
(File No. C56-140 RLC)

Commissioner Keker announced the two liaison Commissioners to the OCC are Commissioners Norman and Medina. Liaison to the In-Custody Death Task Force is Commissioner Hewlett. Liaison on Commission on Status of Women and Sexual Harassment Task Force is Commissioner Norman.

Commissioner Hewlett stated she attended a meeting and suggest zero tolerance in sexual harassment and domestic violence cases. She also asked that report on In-Custody Death Task Force be calendared for February 7th.

Deputy Chief Holder explained that he was asked to expand the task force to include input from every bureau and divisions within the department.

The Commission also asked to calendar a 911 status report for February 7th.

RESOLUTION NO. 13-96

RESIGNATION OF OFFICER THOMAS O'SULLIVAN, CENTRAL STATION
(FILE NO. C56-140 RLC)

WHEREAS, on December 11, 1995, Frank Reed, Acting Chief of Police, made and served charges against Police Officer Thomas O'Sullivan, Central Station, as follows:

SPECIFICATION NO. 1

Failure to take reasonable steps to prevent crime and arrest offenders while off-duty (a violation of Rule 2 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Illegally possessing a controlled substance as defined by the California Uniform Controlled Substances Act (a violation of Rule I.C.I. of General Order 2.03 of the San Francisco Police Department);

SPECIFICATION NO. 3

Using a controlled substance as defined by the California Uniform Controlled Substances Act (a violation of Rule I.C.I. of General Order 2.03 of the San Francisco Police Department);



SPECIFICATION NO. 4

Failure to answer truthfully and without evasion when questioned by a superior officer (a violation of Rule 21 of General Order 2.01 of the San Francisco Police Department);

and

WHEREAS, the Police Department was in receipt of the resignation of Police Officer Thomas J. O'Sullivan from the San Francisco Police Department, said resignation effective close of business January 12, 1996, which resignation was accepted with the condition that the services of Officer O'Sullivan have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Thomas J. O'Sullivan, be, and the same are hereby continued off calendar.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau informed the Commission of in-custody death where officers responded, requested medical assistance for a suspect but the suspect expired. He indicated that Management Control is investigating.

Commissioner Keker then asked that the Commissioners be advised on all cases when appropriate.

Chief Lau discussed the new Muni bus inspection program. Deputy Chief Holder briefed the Commission and asked that the Mayor and the Department are making crime on Muni number one priority. He also advised the Commission regarding increasing number of reserves in the department.

Commissioner Norman expressed her concerns regarding dedicating buses to different schools.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Lance Bayer discussed request by Commissioner Medina regarding the hiring process, number of applicants and those that were interviewed.

Commissioner Medina then asked for a composition of the current staff at OCC.

REQUEST OF THE DIRECTOR OF OFFICE OF CITIZEN COMPLAINTS FOR SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$108,707 FOR HIRING OF ADDITIONAL INVESTIGATORS AND OTHER RELATED COSTS

Lance Bayer presented the budget request. Motion by Commissioner Hewlett, second by Commissioner Norman. Budget approved 5-0.

RESOLUTION NO. 14-96

APPROVAL OF SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$108,717 FOR THE HIRING OF ADDITIONAL INVESTIGATORS AND OTHER RELATED COSTS

WHEREAS, the Office of Citizen Complaints was required to relocate its offices on an emergency basis from 760 Harrison Street to 480 Second Street, and;

WHEREAS, the voters in November of 1995 approved Proposition G requiring full staffing of the Office of Citizen Complaints, and;

WHEREAS, the relocation of the Office of Citizen Complaints permits the implementation of Proposition G by providing sufficient office space to permit the hiring of additional investigators, and;

WHEREAS, the Office of Citizen Complaints has incurred other necessary costs not anticipated in the fiscal budget; now therefore be it

RESOLVED, that the Police Commission hereby approves a supplemental appropriation in the amount of \$108,717 to cover the costs of the relocation of the Office of Citizen Complaints and other necessary costs.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 15-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER RICHARD K. BENJAMIN, CENTRAL STATION (FILE NO. C56-040)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Police Officer Richard Benjamin, Central Station, was called it having been set for this date; and

WHEREAS, Commissioner Douglas Wong is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Benjamin; therefore be it

RESOLVED, that Commissioner Wong is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Richard Benjamin and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 16-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER ANTHONY B. GOMES, CENTRAL STATION (FILE NO. C56-042)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Police Officer Anthony Gomes, Central Station, was called it having been set for this date; and

WHEREAS, Commissioner Douglas Wong is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Gomes; therefore be it

RESOLVED, that Commissioner Wong is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Anthony B. Gomes, and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 17-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER CARL A. PAYNE, CENTRAL STATION (FILE NO. C56-041 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Police Officer Carl A. Payne, Central Station, was called it having been set for this date; and

WHEREAS, Commissioner Douglas Wong is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Payne; therefore be it

RESOLVED, that Commissioner Wong is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Carl A. Payne and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE ON CHARGES
FILED AGAINST OFFICER HOYT WONG, PLANNING DIVISION (FILE NO.
0302-95)**

Matter put over one week.

**ADOPTION OF PROCEDURES AVAILABLE FOR USE IN TRIALS OF
DISCIPLINARY CASES**

Taken off calendar.

**PREHEARING CONFERENCES AND SETTING OF DATES IN THE
DISCIPLINARY MATTERS OF:**

Officers James Acevedo, Steven Landi, Gary Fagundes assigned to Commissioner Keker. Discipline to trail criminal charges. Over to late April for prehearing conference.

938 Harrison Street and Aaron Williams matters, officers involved in these two cases assigned to Commissioner Keker. Conference set March 28th, 5:00 p.m.

Officer Donnie Cartwright assigned to Commissioner Keker. Criminal case on-going; to be calendared one week after disposition of criminal case.

Officer James Deignan assigned to Commissioner Medina. Criminal case set for March 4th. Will calendar March 11th for conference.

Officer Mary Espinoza assigned to Commissioner Norman. Conference January 31th.

Officer Robert Hernandez assigned to Commissioner Wong. Conference to be set.

Officer Francis Hogue assigned to Commissioner Keker. Criminal trial to begin February 5th. Tentatively calendar for setting of date for hearing March 20th.

Officer Susan Moneyhun assigned to Commissioner Hewlett. Set for conference January 31st, 4:00 p.m.

Officer Joseph Perrone assigned to Commissioner Medina. Conference scheduled for February 9th, 10:00 a.m.

Inspector Bradley Nicholson assigned to Commissioner Norman. Scheduled February 7th, 4:00 p.m. for conference.

Bruce Kapsack, attorney for OCC, stated he will be meeting with meeting with the Chief on Monday regarding 938 Harrison Street witness list to be exchanged with the attorneys. Matter calendared for March 27th, 5:00 p.m.

PUBLIC COMMENTS

Daniel Pasey expressed his concerns regarding the department.

Terrence Allen expressed concerns regarding 938 Harrison Street and thanked the Commission for handling the matter. Commended Chief for action in in-custody deaths and talked of equipment loss at 938 incident.

William Bosworth asked status of officers involved in Williams' matter.

Diana Anderson, cousin Aaron Williams, discussed concerns regarding the case.

**HEARING ON CHARGES FILED AGAINST OFFICER CLIFTON A.
MATTHEWS, SUPPORT SERVICES DIVISION (FILE NOS. C45-018, C45-133,
C34-136 & C34-144 JWA)**

The hearing of Police Officer Clifton A. Matthews, Support Services Division, was called it having been set for this date. Officer Matthews was charged with violating the Rules and Procedures as follows:

FILE NO. C45-018 JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

FILE NO. C45-133 JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

FILE NO. C34-136 JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

FILE NO. C34-144 JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer truthfully and without evasion when questioned by a Management Control Division investigator (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

in properly verified complaints by Anthony D. Ribera, Former Chief of Police of the San Francisco Police Department.

Officer Clifton Matthews appeared in person and was represented by Mr. Michael Levinsohn, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding him guilty on all specifications.

Based on those findings, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Officer Clifton Matthews be terminated.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 20-96



DECISION - HEARING OF OFFICER CLIFTON MATTHEWS, SUPPORT SERVICES DIVISION

WHEREAS, on February 4, 1994, March 7, 1994, August 16, 1994 and August 21, 1995, Anthony D. Ribera, Former Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Clifton Matthews as follows:

FILE NO. C34-136 JWA

SPECIFICATION NO. 1:

(1) At all times herein mentioned, CLIFTON A. MATTHEWS, Star Number 2222, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Administration Bureau, Support Services Division, Identification Unit;

(2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On January 27, 1994, the accused was on duty and became involved in an incident constituting a criminal battery on his wife (hereinafter "the victim") in the parking lot across the street from the Hall of Justice, 850 Bryant Street, in the City and County of San Francisco, State of California; the victim is also a Q-2 Police Officer employed by the San Francisco Police Department;

(4) Before January 27, 1994, the accused and the victim, were experiencing domestic disagreements; in July 1993, the victim separated from the accused and moved to an apartment in Daly City, California; the accused occasionally visited the victim at her apartment in Daly City; during the month of January 1994, the accused stayed at the victim's apartment part of the time and left some of his personal property at the apartment;

(5) On January 27, 1994, the victim determined that the relationship was unsatisfactory and that she did not desire that the accused stay at her apartment; she placed the items of personal property belonging to the accused in his automobile and drove to the Hall of Justice, 850 Bryant Street, San Francisco to return the car along with the items in it, to the accused and to request that he not return to her Daly City apartment; the victim was accompanied to the Hall of Justice by the accused's sister and the five year old child of the accused and the victim in another vehicle;

(6) On January 27, 1994, at or about 2030 hours, the victim approached the accused at the Support Services Division on the fourth floor of the Hall of Justice; the victim gave the accused his car keys and asked him not to return to the Daly City apartment; the accused wanted to talk to her about the situation so the accused, the victim, their child, and the accused's sister left the Hall of Justice, walked across Bryant Street to the public parking lot where the accused and the victim sat in the accused's white vehicle while the child and the accused's sister sat in the other vehicle in the parking lot;

(7) The discussion between the victim and the accused became heated and the victim decided to exit the vehicle and leave the accused's vehicle; the victim opened the door and started to leave, the accused grabbed the victim by the hair and pulled her back into the vehicle; the accused then placed the victim's head in a head lock with his arm and then choked her with his hand; from the vehicle in which she and the child were seated, the accused's sister saw the altercation and came to the aid of the victim; the accused then released the victim who ran across the street to Southern Police Station to seek protection;

(8) The victim's neck showed visible marks from the violence of the injury inflicted by the accused holding the victim and choking her; the accused was arrested for his conduct described above; on January 27, 1994, the victim was on disability leave from the San Francisco Police Department with a back injury she sustained on duty;

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(9) The accused by holding the victim by the neck and preventing her from exiting his vehicle engaged in conduct which constitutes a false imprisonment as defined by Penal Code section 236 which states:

"False imprisonment is the unlawful violation of the personal liberty of another"

False imprisonment is punishable as set forth in Penal Code section 237, which states:

"False imprisonment is punishable by fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not more than one year, or by both. If such false imprisonment be effected by violence, menace, fraud, or deceit, it shall be punishable by imprisonment in the state prison."

(10) The accused by grabbing the victim and choking her in the vehicle, has engaged in conduct which constitutes an "infliction of injury on spouse" as defined in Penal Code section 273.5 which states:

"273.5. (a) Any person who willfully inflicts upon his or her spouse, or any person who willfully inflicts upon any person of the opposite sex with whom he or she is cohabiting, or any person who willfully inflicts upon any person who is the mother or father of his or her child, corporal injury resulting in a traumatic condition, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for 2, 3 or 4 years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000) or by both."

...

(c) As used in this section, "traumatic condition" means a condition of the body, such as a wound or external or internal injury whether of a minor or serious nature, caused by a physical force."

(11) The accused, by violently grabbing the victim, by preventing the victim from leaving the car by holding and by choking the victim, engaged in conduct of a criminal nature punishable as felonies under the Penal Code as defined in Penal Code sections 236 and 273.5, this conduct violates Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2:

(12) Each and every allegation contained in paragraphs (1) through (11), inclusive, of SPECIFICATION NO. 1 above is incorporated herein by reference and is realleged as though set forth in full;

(13) On February 1, 1994, at 1600 hours, while the accused was free on bail in connection with his actions described in Specification No. 1 above, the accused entered the victim's apartment in Daly City without her permission; the accused taunted the victim, screamed at the victim, then grabbed the victim by the arms, shook her, twisted her back and forced her to the floor;

(14) On February 1, 1994, at 1600 hours, the accused attempted to dissuade the victim from proceeding with the criminal matter in San Francisco stemming from his

January 27, 1994 false imprisonment and spousal injury to the victim; There was a visible injury to the victim's left upper arm and a rug burn to the victim's left forearm as a result of the accused's violence on February 1, 1994; the injury to the victim's back was exacerbated by the violence of the accused;

(15) The accused by grabbing the victim by the arms, shaking her, twisting her back and forced her to the floor, has engaged in conduct which constitutes an assault and battery as defined in Penal Code sections 240 and 242 which state:

section 240, "An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another."

section 242, "A battery is any willful and unlawful use of force or violence upon the person of another."

(16) The accused by assaulting and battering the victim in an attempt to dissuade the victim from cooperating with the District Attorney in the prosecution in San Francisco, engaged in conduct which violates Penal Code section 136.1 which states:

"(a) Except as provided in subdivision (c), any person who does any of the following is guilty of a misdemeanor:

(1) Knowingly and maliciously prevents or dissuades any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized by law.

(2) Knowingly and maliciously attempts to prevent or dissuade any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized by law.

(b) Except as provided in subdivision (c) every person who attempts to prevent or dissuade another person who has been the victim of a crime or who is witness to a crime from doing any of the following is guilty of a misdemeanor:

(1) Making any report of such victimization to any peace officer or state or local law enforcement officer or probation or parole or correctional officer or prosecuting agency or to any judge.

(2) Causing a complaint, indictment, information, probation or parole violation to be sought and prosecuted, and assisting in the prosecution thereof.

(3) Arresting or causing or seeking the arrest of any person in connection with such victimization.

(c) Every person doing any of the acts described in subdivision (a) or (b) knowingly and maliciously under any one or more of the following circumstances, is guilty of a felony punishable by imprisonment in the state prison for two, three, or four years under any of the following circumstances:

(1) Where the act is accompanied by force or by an express or implied threat of force or violence, upon a witness or victim or any third person or the property of any victim, witness, or any third person.

. . . .

(d) Every person attempting the commission of any act described in subdivisions (a), (b), and (c) is guilty of the offense attempted without regard to success or failure of such attempt. The fact that no person was injured physically, or in fact intimidated, shall be no defense against any prosecution under this section. . . ."

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(18) The accused by attempting to intimidate the victim in this matter engaged in conduct which violates Penal Code sections 240, 242 and 136.1, as alleged above, has engaged in conduct which violates Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

FILE NO. C34-144 JWA

SPECIFICATION NO. 1:

(1) At all times herein mentioned, CLIFTON A. MATTHEWS, Star Number 2222, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and is presently suspended from his assignment to the Administration Bureau, Support Services Division, Identification Unit;

(2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) The accused's wife, referred to herein as "the victim", is also a Q-2 Police Officer employed by the San Francisco Police Department;

~~(4) On March 5, 1993, the accused and the victim were both assigned to Mission Station; on March 5, 1993, in the family home at that time shared by the accused and the victim, located at 3870 Coronado Drive, San Bruno, California, the accused and the victim became involved in an argument; the accused ended the argument by striking the victim in the face with his hand;~~

~~(5) Thereafter, the accused also harassed the victim at work; the accused threatened the victim while she was on duty and interfered with her ability to perform her assignments at Mission Station;~~

(6) In the course of the investigation of the March 5, 1993, assault by the accused on the victim, it came to light that on November 11, 1992, while he was suspended from duty pending resolution of charges before this honorable Commission, the accused assaulted and battered the victim;

(7) On November 11, 1992, at the home they shared in San Bruno, the accused struck the victim with his fist, requiring the victim to go to the hospital for treatment of trauma to the right side of her head and face as well as a suspected fracture to right eye area; the victim identified the accused as the person who struck her, but requested that the hospital not report the assault to the police department;

(8) The accused by slapping the victim and striking her with his fist engaged in conduct which constitutes an "infliction of injury on spouse" as defined in Penal Code section 273.5 which states:

"273.5. (a) Any person who willfully inflicts upon his or her spouse, or any person who willfully inflicts upon any person of the opposite sex with whom he or she is cohabiting, or any person who willfully inflicts upon any person who is the mother or father of his or her child, corporal injury resulting in a traumatic condition, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for 2, 3 or 4 years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$ 6,000) or by both."

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© As used in this section, "traumatic condition" means a condition of the body, such as a wound or external or internal injury whether of a minor or serious nature, caused by a physical force."

(9) The accused by ~~slapping the victim on March 5, 1993, and~~ striking her ~~with his fist~~ on November 11, 1992, has engaged in conduct which constitutes an assault and battery as defined in Penal Code sections 240 and 242 which state:

section 240, "An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another."

section 242, "A battery is any willful and unlawful use of force or violence upon the person of another."

(10) The accused's actions, by violently assaulting the victim and striking the victim ~~on two occasions~~ engaged in conduct of a criminal nature ~~punishable as felonies~~ under the Penal Code as defined in Penal Code sections 240, 242 and 273.5, ~~and the accused's actions in threatening the victim at work and interfering with her work,~~ and violate Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2:

(11) Each and every allegation contained in paragraphs (1) through (10), inclusive, of SPECIFICATION NO. 1 above is incorporated herein by reference and is realleged as though set forth in full;

(12) On May 26, 1993, the accused was interviewed by an investigator from the Management Control Division concerning the assaults on the victim on March 5, 1993 and November 11, 1992; the accused acknowledged that he understood his obligation to answer all questions asked of him truthfully and without evasion;

(13) During the interview on May 26, 1993, the accused denied that he had assaulted the victim on March 5, 1993 and denied that he had assaulted the victim on November 11, 1992; he also denied that he had threatened the victim in the work place and the accused denied that he had interfered with her performance of the victim's duties as a police officer;

(14) The accused by falsely denying that he had assaulted the victim ~~and denying that he had interfered with the victim's performance of her duties as a police officer,~~ engaged in conduct in violation of Rule A-21 General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

FILE NO. C45-133 JWA

SPECIFICATION NO. 1:

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES

REPORT OF THE
COMMISSION ON THE ORGANIZATION OF THE
PHYSICAL SCIENCES

PRESENTED TO THE
FACULTY OF THE DIVISION OF THE PHYSICAL SCIENCES
AT THE MEETING OF THE DIVISION, MAY 19, 1961

BY
THE COMMISSION ON THE ORGANIZATION OF THE
PHYSICAL SCIENCES

CHICAGO, ILLINOIS
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1. At all times herein mentioned, CLIFTON A. MATTHEWS, Star Number 2222, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Administration Bureau, Support Services Division, Identification Unit under suspension pending resolution of other charges already pending before the herein Police Commission;

2. As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

3. On August 1, 1994, a judge of the Superior Court issued an arrest warrant for the accused based on his continuing threatening, intimidating and injurious conduct toward his spouse;

4. On August 2, 1994, two San Francisco Police Department Inspectors went to the home of the accused in the City of San Bruno, San Mateo County, California, to execute the warrant for his arrest issued by the Superior Court in and for the City and County of San Francisco; because it was in another jurisdiction they were accompanied by officers from the San Bruno Police Department;

5. After the accused was handcuffed and taken into custody, while still in the home, his brother scuffled with the San Bruno Police officers; while his brother was scuffling with the San Bruno police officers, the accused broke free from the San Bruno Police officers who were holding him, hurled himself into one of the San Francisco Police Department Inspectors, crashing into him with his chest; San Bruno Police officers grabbed him, and he continued to kick at the Inspector, trying to injure him; this constituted a battery on the person of the San Francisco Police Department Inspector;

6. After the San Bruno Police officers restrained the accused, he threatened the Inspector he had just lunged into by saying, "You're dead, Bob, you're going to die for this."

7. The accused by committing a battery in San Mateo County on one of the Inspectors and threatening the life of the Inspector when taken into custody on a warrant for his arrest, engaged in conduct which violated Rule A-2 of General Order D-1, which states:

"Officers shall, while off duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officer's ability at the time in question."

8. The accused resisted arrest and threatened the life of one of the Inspectors arresting him, which violates Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2:

9. Paragraphs 1 through 6, inclusive, of SPECIFICATION NO. 1, above are incorporated herein and realleged as though set forth in full;

10. A San Francisco Police Department marked unit picked the accused up in San Bruno and transported him to San Francisco; throughout the booking process and continuing up to the County Jail, the accused continued to threaten to injure and kill the Inspector he battered in San Bruno at the time of his arrest;

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11. In San Francisco during the booking process and transportation to the County Jail, the accused threatened to harm, and threatened the life of one of the Inspectors who arrested him, which violates Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

FILE NO. C45-018 JWA

SPECIFICATION NO. 1

1. At all times herein mentioned, Clifton A. Matthews, Star Number 2222, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Administration Bureau, Support Services Division, Identification Unit, under suspension pending resolution of charges before the herein Police Commission;

2. As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

3. On March 2, 1994, at the family home located at 3870 Coronado Drive, San Bruno, California, the accused entered into a contract with a painting contractor doing business under the name of Van-Go Painting, to paint the interior of the family home and the decks and fence; the accused agreed in the contract to pay Van-Go Painting the sum of two thousand five hundred dollars for the painting services described in the contract;

4. On March 18, 1994, on completion of the painting at 3870 Coronado Drive, San Bruno, California, the accused approved the work done and then made and delivered to an employee of Van-Go Painting, a check numbered 132, in the amount of two thousand five hundred dollars, drawn on the San Francisco City Employees Credit Union, 770 Golden Gate Avenue, San Francisco, California; the account had been opened by the accused in November of 1993, in his name as conservator for another person;

5. On April 7, 1994, the San Francisco City Employees Credit Union refused to pay the check and returned it to Van-Go Painting marked "NSF", (meaning "non-sufficient funds"); according to the records of the Credit Union, at no time from the time that the accused opened the account until it was closed April 26, 1994, did the account have sufficient funds to pay the two thousand five hundred dollar check the accused made and delivered on March 18, 1994;

6. The accused by executing and delivering a check to pay for painting his residence knowing that there were not sufficient funds in the account to pay it, engaged in conduct which constitutes making or delivering a check with insufficient funds as defined by Penal Code section 476a (a) which states:

"Any person who for himself or as the agent or representative of another or as an officer of a corporation, wilfully, with intent to defraud, makes or draws or utters or delivers any check, or draft or order upon any bank or depository, or person, or firm, or corporation, for the payment of money, knowing at the time of such making, drawing, uttering, or delivering that the maker or drawer or the corporation has not sufficient funds in, or credit with said bank or depository, or person, or firm, or corporation, for the payment of such check, draft, or order and all other checks, drafts, or orders upon such funds then outstanding, in full upon its presentation, although no express representation is made with reference thereto, is punishable by imprisonment in the county jail for not more than

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DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSIONERS OF THE
UNIVERSITY OF CHICAGO
FOR THE YEAR 1900

CHICAGO, ILL., 1901

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSIONERS OF THE
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FOR THE YEAR 1900

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THE UNIVERSITY OF CHICAGO
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REPORT OF THE
COMMISSIONERS OF THE
UNIVERSITY OF CHICAGO
FOR THE YEAR 1900

CHICAGO, ILL., 1901

one year, or in the state prison."

7. The accused, by paying for painting services with a check drawn on an account which did not have sufficient funds to pay the check, engaged in conduct of a criminal nature punishable as felonies under the Penal Code as defined in Penal Code section 476, this conduct violates

Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges were held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on November 29, 1995, December 5th, 12th, 19th, 20th, 27th, and 29th, 1995 and on January 2, 1996 and on January 24, 1996, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in all specifications of File Nos. C45-133, C34-136 and C34-144 JWA as preferred by the Chief of Police against Police Officer Clifton Matthews are sustained by the preponderance of the evidence presented; Specification No. 1 of File No. C45-018 JWA is not sustain;

WHEREAS, the Commission therefore adopts the language of said charges as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 (File No. C45-018 JWA)

Not Sustain

SPECIFICATION NO. 1 (File No. C45-133 JWA)

Sustain - Termination

SPECIFICATION NO. 2 (File No. C45-133 JWA)

Sustain - Termination

SPECIFICATION NO. 1 (File No. C34-136 JWA)

Sustain - Termination

SPECIFICATION NO. 2 (File No. C34-136 JWA)

Sustain - Termination

SPECIFICATION NO. 1 (File No. C34-144 JWA)

Sustain - Termination

SPECIFICATION NO. 2 (File No. C34-144 JWA)

Sustain - Termination

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned at 10:25 p.m.

A handwritten signature in black ink, appearing to read 'M. Barretta', is written over a horizontal line.

Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS

REGULAR MEETING OF THE POLICE COMMISSION

WEDNESDAY, JANUARY 31, 1996

Thomas J. Cahill Hall of Justice

850 Bryant Street

San Francisco, California

CLOSED SESSION

ROOM 505-2

5:15 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

- a. Philip Gonzales, et al v. CCSF, et al, San Bernardino Superior Court Nos. SC04291 & 11637
- b. Riva Mintz v. CCSF, Superior Court No. 956-066
- c. Troy J. Scalise v. CCSF, Superior Court No. 950-383

PUBLIC SESSION

ROOM 551

5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
 - a. Motion of Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JANUARY 31, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

8. Assignment of Commissioner and Setting of Date on Additional Charges Filed Against Officer Hoyt Wong, Planning Division (File Nos. 0302-95, 0930-94 & 0962-94)
9. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Albert N. Lee, Support Services (File No. C45-212 RLC)
10. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Anthony M. Oakley, Potrero Station (File No. C56-021 RLC)
11. Presentation by Special Agent George McCauley, U.S. Department of State, of a Check in the Amount of \$118,197.66 for Costs Incurred During the U.N. 50 Event
12. Request of the Chief of Police for a Supplemental Appropriation to Substitute One (1) 8245 Communications Manager, SFPD Position for that of One (1) Existing 9205 Airport Communications Coordinator Position
13. Request of the Chief of Police to Accept from the Department of Defense Two (2) Surplus OH-58 Bell Jet Ranger Light Utility Helicopters
14. Approval of Recommendations of Award Committee re: Pine & Franklin Incident
15. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
16. Disposition Hearing on Charges Filed Against Officer Susan J. Moneyhun, Mission Station (File No. C45-173 RLC)
17. Disposition Hearing on Charges Filed Against Officer Mary Espinoza, Support Services (File No. C56-010 RLC)



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JANUARY 31, 1996

CONSENT CALENDAR

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Request for Approval to Accept Donation of a Gary Fisher, Mamba, 15.5" Mountain Bike from the Noriega and Lawton Street Merchant's Association to be Used For the Noriega and Lawton Street Beats
2. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Philip Gonzales, et al v. CCSF, et al, San Bernardino Superior Court Nos. SC04291 & 11637
 - b. Riva Mintz v. CCSF, Superior Court No. 956-066
 - c. Troy J. Scalise v. CCSF, Superior Court No. 950-383

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

JANUARY 31, 1996

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, at 5:25 p.m. to 5:35 p.m., in Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

- a. Philip Gonzales, et al v. CCSF, et al., San Bernardino Superior Court Nos. SC04291 & 11637
- b. Riva Mintz v. CCSF, Superior Court No. 956-066
- c. Troy J. Scalise v. CCSF, Superior Court No. 950-383

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong

JANUARY 31, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

No vote on closed session.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 29-96

APPROVAL TO ACCEPT DONATION OF A GARY FISHER, MAMBA, 15.5" MOUNTAIN BIKE FROM THE NORIEGA AND LAWTON STREET MERCHANTS' ASSOCIATION TO BE USED FOR THE NORIEGA AND LAWTON STREET BEATS

RESOLVED, that the Police Commission hereby approves request of Lieutenant Edward Fortner, Commanding Officer, Taraval Station, to accept donation of a Gary Fisher, Mamba, 15.5" Mountain Bike from the Noriega and Lawton Street Merchants' Association, to be used for the Noriega and Lawton Street beats.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 30-96

PHILLIP GONZALES, et al v. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Phillip Gonzales, et al v. CCSF, et al" in San Bernardino Superior Court Nos. SC04291 and 11637 for damages sustained, be, and the same is hereby approved.

Date of Incident: May, 1993

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 31-96

RIVA MINTZ v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Riva Mintz v. CCSF" in San Francisco Superior Court No. 956-066 for damages sustained, be, and the same is hereby approved.

Date of Incident: December 7, 1992

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 32-96

TROY J. SCALISE v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Troy J. Scalise v. City and County of San Francisco" in San Francisco Superior Court No. 950-383 for damages sustained, be, and the same is hereby approved.

Date of Incident: January, 1990

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

POLICE COMMISSION REPORT

Commissioner Hewlett asked that the report on Early Warning System be calendared for February 14th.

Commissioner Keker stated the Commission met in Executive Session and discussed settlements of issues on pending litigation with the City Attorney. He also discussed City Attorney settlements where disciplinary actions is also involved which bypass the Commission.

PRESENTATION BY SPECIAL AGENT GEORGE MCCAULEY, U.S. DEPARTMENT OF STATE, OF A CHECK IN THE AMOUNT OF \$118,197.66 FOR COSTS INCURRED DURING THE UN 50 EVENT

Special Agent George McCauley presented check to the department for \$118,197.66 for costs incurred during the UN 50 event and thanked the Department.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau stated he met with the auditor monitor regarding the sergeants exam and inspectors test and everything is on-line. He also referred to the Bus Inspection Program and Deputy Chief Holder briefed the Commission on the program and how the officers are riding the buses to reduce incidents. He made mention of an incident in which there were problems with youths assaulting persons on the bus and that those four suspects were arrested. He also met with the superintendent of schools Mr. Rojas regarding buses for schools.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer briefed the Commission on hiring process and stated they are interviewing this week and will offer jobs in approximately three weeks. Also, pursuant to Commissioner Medina's request regarding the breakdown of his staff, he indicated that his staff consisted of four white male, six white female, one African-American Male, three African-American female, one Hispanic and two Asian females.

Commissioner Norman asked sexual orientation.

Commissioner Medina expressed concerns regarding the one Hispanic on staff.

Director Bayer indicated he and his staff are going out into the community and to the Tenderloin Task Force for ride-along. He also talked Mike Martin, Mayor's Office, regarding OCC budget. He also asked that the OCC budget approval be calendared for February 7th.

RESOLUTION NO. 18-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER HOYT WONG, PLANNING DIVISION (FILE NOS. 0302-95, 0930-94 & 0962-94)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Hoyt Wong, Planning Division, was called it having been set for this date; and

WHEREAS, Commissioner John Keker is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Hoyt Wong; therefore be it

RESOLVED, that Commissioner Keker is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Hoyt Wong and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 22-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER ALBERT N. LEE, SUPPORT SERVICES (FILE NO. C45-212 RLC)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Albert N. Lee, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Albert N. Lee; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Albert N. Lee and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 23-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER ANTHONY M. OAKLEY, POTRERO STATION (FILE NO. C56-021 RLC)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Anthony M. Oakley, Potrero Station, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Anthony M. Oakley; therefore be it

RESOLVED, that Commissioner Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Anthony M. Oakley and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

REQUEST OF THE CHIEF OF POLICE FOR A SUPPLEMENTAL APPROPRIATION TO SUBSTITUTE ONE 8245 COMMUNICATIONS MANAGER, SFPD POSITION FOR THAT OF ONE EXISTING 9205 AIRPORT COMMUNICATIONS COORDINATOR POSITION

Lieutenant Alex Fagan, Fiscal, presented request to fill vacancy immediately. Motion by Commissioner Hewlett, second by Commissioner Wong. Approved 5-0.



RESOLUTION NO. 24-96

APPROVAL OF A SUPPLEMENTAL APPROPRIATION TO SUBSTITUTE ONE 8245 COMMUNICATIONS MANAGER, SFPD POSITION, FOR THAT OF ONE EXISTING 9205 AIRPORT COMMUNICATIONS COORDINATOR POSITION

WHEREAS, in order to ensure adequate supervision for the Police Communication Center be it

RESOLVED, that the Police Commission hereby approves the substitution of one 8245 Communications Manager, SFPD position for that of an existing position of 9205 Airport Communications Coordinator.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

REQUEST OF THE CHIEF OF POLICE TO ACCEPT FROM THE DEPARTMENT OF DEFENSE TWO SURPLUS OH-58 BELL JET RANGER LIGHT UTILITY HELICOPTERS

Deputy Chief Holder briefed the Commission on past helicopters unit and the offer from the Department of Defense for two helicopters. After discussion motion by Commissioner Medina, second by Commissioner Hewlett. Matter approved 5-0.

RESOLUTION NO. 25-96

APPROVAL TO ACCEPT FROM THE DEPARTMENT OF DEFENSE TWO SURPLUS OH-58 BELL JET RANGER LIGHT UTILITY HELICOPTERS

WHEREAS, the San Francisco Police Department has been notified by the United States Department of Defense that it is now eligible to receive two OH58 Bell Jet Ranger helicopters pursuant to National Defense Authorization Act, Section 1208; and

WHEREAS, the Department of Defense has offered to donate the helicopters valued at over Five Thousand dollars (\$5,000.00) each to the Police Department; and

WHEREAS, the Department of Defense, HQ Aviation and Troop Command advises that acceptance of the helicopters must be made within five days of notification of availability; and

WHEREAS, this public spirited gesture will facilitate needed assistance in the protection of life and property in San Francisco; and

WHEREAS, Section 10.116 of the San Francisco Administration Code requires approval of the Board of Supervisors for acceptance of those gifts to the City and County of a value of more than Five Thousand (\$5,000.00) dollars; and

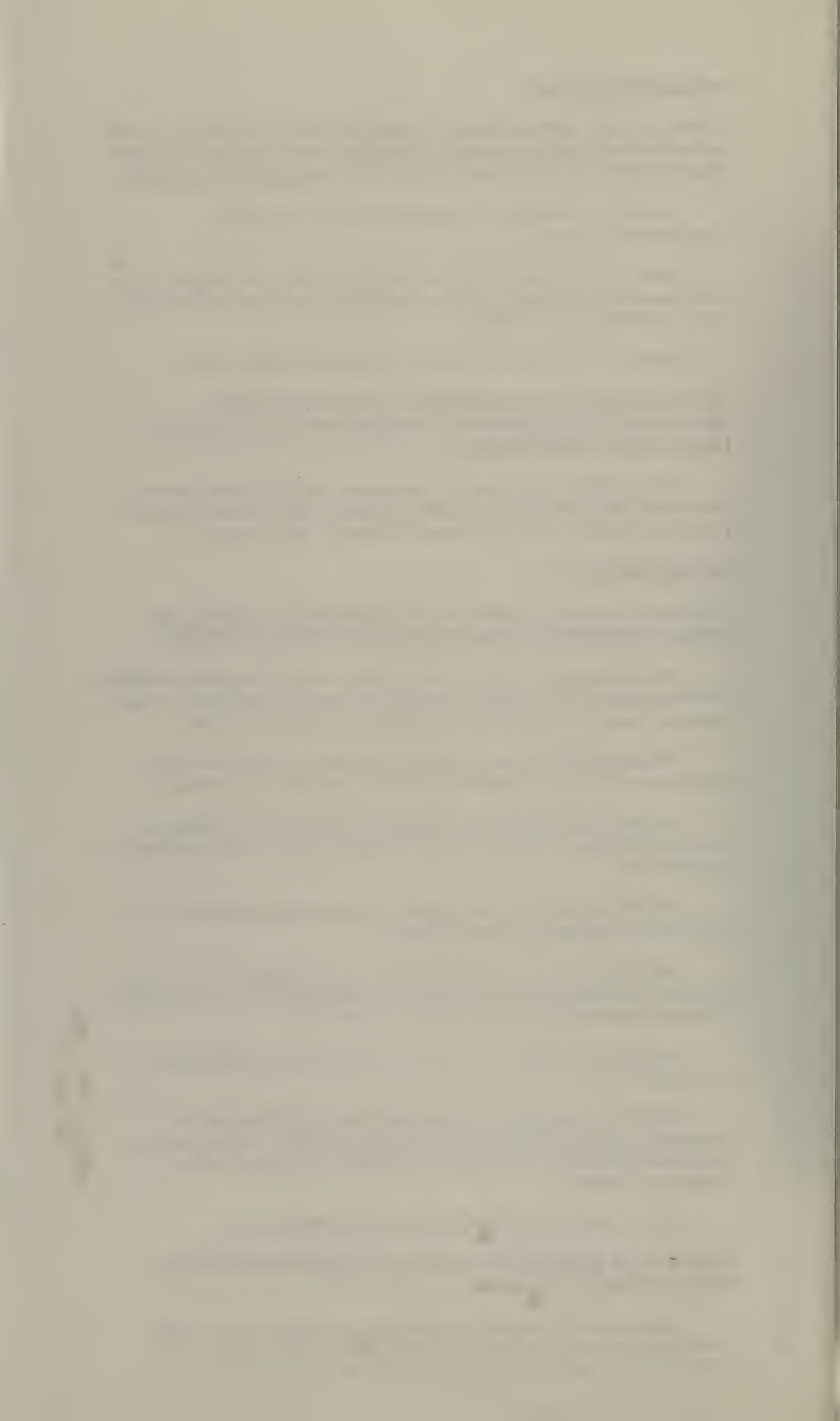
WHEREAS, the helicopters meet a need for service in the Police Department; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco urges the Board of Supervisors to authorize the Chief of Police to accept, on behalf of the San Francisco Police Department, a gift of two helicopters from the Department of Defense.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

APPROVAL OF RECOMMENDATIONS OF AWARDS COMMITTEE RE: PINE & FRANKLIN INCIDENT

Commissioner Hewlett briefed the Commission on procedures of the Awards Committee and it was discussed that the Commissioners will rotate attendance at the Awards Committee meetings. Motion by Commissioner Hewlett, second by



Commissioner Norman that recipients of the Gold Medals monetary award be increased to one thousand (\$1000.00) dollars per officer. Approved 5-0. Recommendation by and motion by Commissioner Hewlett, second by Commissioner Medina that Lieutenant David Robinson be upgraded from a Bronze to a Silver. Approved 5-0. Motion by Commissioner Hewlett, second Commissioner Norman that Sergeant Ronald Parenti receive a Silver Medal of Valor. Approved 5-0. Motion by Commissioner Hewlett, second by Commissioner Norman. Matter approved 5-0.

RESOLUTION NO. 26-96

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT (Pine & Franklin Incident)

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 3.09, Sections I.A.1 of the San Francisco Police Department, as approved by the Awards Committee on Monday, November 20, 1995; and

WHEREAS, Chief Fred Lau has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Sergeant Joe Currie, Sergeant John Payne, Officers Patrick Burke, Alfred Martinez and Anthony Hartzler are hereby awarded the Gold Medals of Valor and granted a reward of \$1000.00 each; and be it further

RESOLVED, that Lieutenants Dennis O'Leary and David Robinson, Sergeant Ronald Parenti, Officers Charles Simpson, Vivian Bruce, Anthony Manfreda, Lance Monteverdi, Christopher Breen, Brian Boyd, Kevin Cleary, John Evans, Keith Lai, Gary Constantine, Brian Danker, Edward Cheung, Tadao Yamaguchi, Shawn Mendez, Nikolaus Borthne, Alec Cardenas, Matthew Castagnola, and Brett Higdon are hereby awarded Silver Medals of Valor and granted rewards of \$300.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Sergeants Kenneth Sugrue, Michael Dempsey, and John Haggett, Officers Paul Guinasso, Daniel Mahoney, Jamie Ongpin, Michael Philpott, Craig Tom, William Roualdes and Jerome Defilippo (#2107) are hereby awarded Bronze Medals of Valor and granted rewards of \$150.00 each, as provided for under said section of the Charter.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

PUBLIC COMMENTS

Wendy Lorin expressed her concerns regarding complaint filed with the OCC.

HEARING OF OFFICER SUSAN J. MONEYHUN, MISSION STATION (FILE NO. C45-173 RLC)

The hearing of Police Officer Susan J. Moneyhun, Mission Station, was called it having been set for this date. Officer Moneyhun was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failing to prepare and submit a new certificate of residence within 24 hours of a change of address and phone number (violation of Rule I.B. of General Order P-4 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failing to appear in court as required by subpoena (a violation of Rule I.A. of

General Order N-3 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to obey the lawful order of a superior officer (a violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Failure to answer questions of a superior officer truthfully and without evasion (a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 5

Engaging in conduct which subverts the good order, efficiency or discipline of the department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 6

Failure to answer questions of a superior officer truthfully and without evasion (a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Frank Reed, former Acting Chief of Police of the San Francisco Police Department.

Officer Susan J. Moneyhun appeared in person and was represented by Ms. Kathy Mahoney, Attorney at Law.

Mr. Richard L. Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Ms. Mahoney entered a plea of no contest on Specification Nos. 2 and 3 on behalf of Officer Moneyhun. Officer Moneyhun personally affirmed entry of a no contest plea in these matters. Specification Nos. 1, 4, 5 and 6 are dismissed by the Department.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 27-96

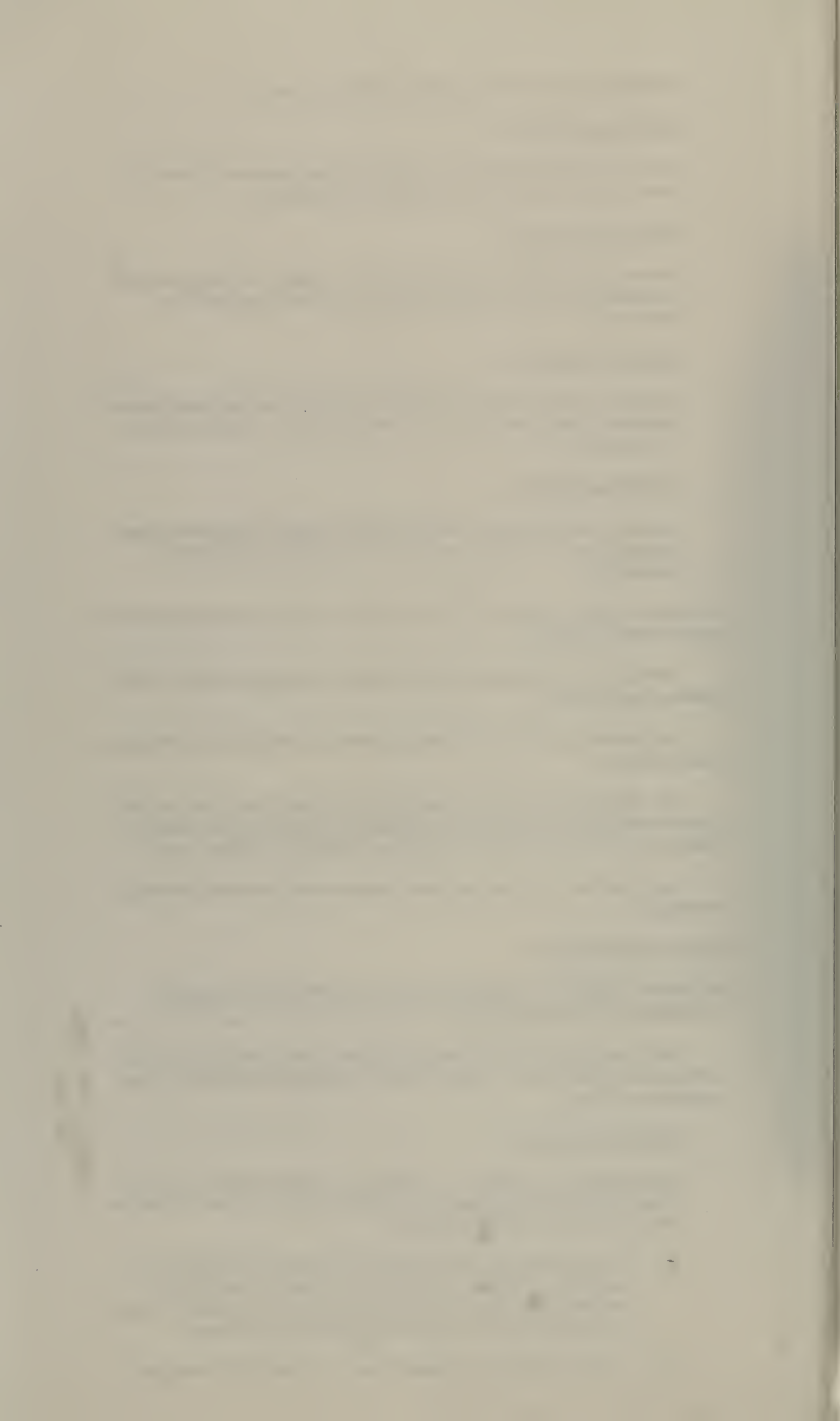
DECISION - HEARING OF OFFICER SUSAN J. MONEYHUN, MISSION STATION (FILE NO. C45-173 RLC)

WHEREAS, in August, 1995, Frank Reed, Former Acting Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Susan J. Moneyhun as follows:

SPECIFICATION NO. 1

Failing to prepare and submit a new certificate of residence within 24 hours of a change of address and phone number (violation of Rule I.B. of General Order P-4 of the San Francisco Police Department).

- (1) At all times herein mentioned, Susan J. Moneyhun, Star Number 2194, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and, while on disability leave, assigned to the Medical Liaison Unit, Personnel Division;
- (2) As a police officer, the accused was and is responsible for knowing and



obeying the rules, orders and procedures of the San Francisco Police Department;

- (3) On June 23, 1994, the Medical Liaison Unit attempted to telephone the accused regarding a subpoena which required her appearance in court on July 11, 1994, however, the telephone number provided on the accused's Certificate of Residence (SFPD Form 11) was no longer valid. Being unable to contact the accused to effect service, the subpoena was returned to the Court Liaison;
- (4) Subsequently, it was determined that the accused no longer resided at the address provided on her Certificate of Residence, and that the telephone number provided on said form had in fact been issued to another individual;
- (5) The accused, by changing her residence and her telephone number and then failing to complete a new certificate of residency, has engaged in conduct which constitutes a violation of Rule I.B. of General Order P-4, which states:

"I.B. Prepare a new set of Forms SFPD-11 in triplicate whenever you experience a change of phone number, a change of address, a change of name, or a change of emergency notification data. Submit the new set of Forms SFPD-11 to your commanding officer within twenty-four (24) hours of each such change."

SPECIFICATION NO. 2

Failing to appear in court as required by subpoena (a violation of Rule I.A of General Order N-3 of the San Francisco Police Department);

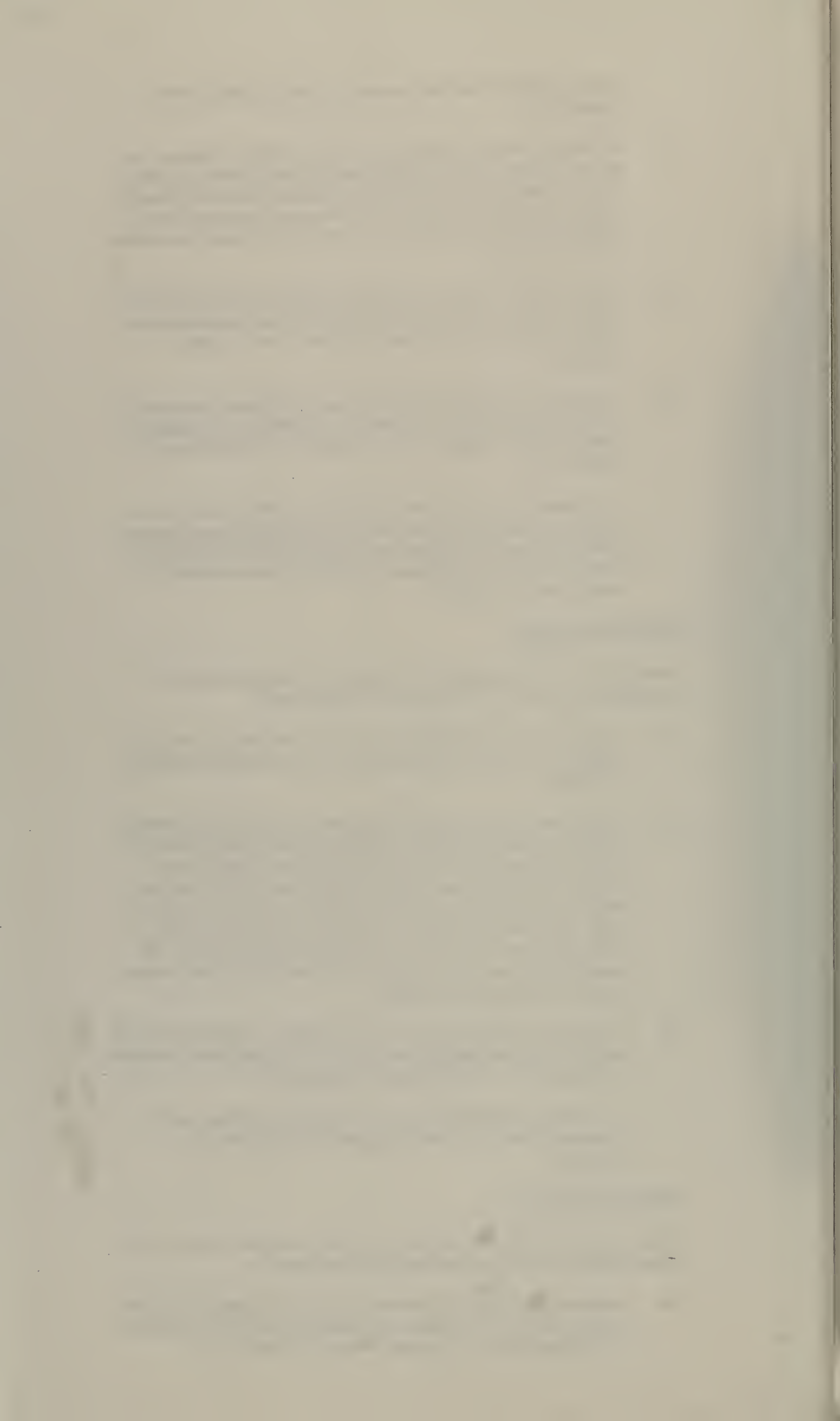
- (6) Paragraphs 1 through 5 of Specification No. 1 hereinabove are realleged herein by this reference and incorporated by such reference as though set forth in full;
- (7) On or about June 18, 1994, a new subpoena was received at the Medical Liaison Unit and which required the accused's presence in Court on July 25, 1994. Subsequently, on July 22, 1994, personnel at the Medical Liaison Unit contacted the accused by telephone and advised her of the subpoena, and the need to come to the Medical Liaison Unit to pick up same. The accused agreed to go to the Medical Liaison Unit on July 25, 1994 and accept service of the subpoena prior to going to Court. The accused failed to pick up the subpoena as agreed and also failed to appear in court as required by the subpoena;
- (8) The accused, by failing to appear in court on July 25, 1994, after receiving notice of a subpoena requiring her presence, has engaged in conduct which violates Rule I.A. of General Order N-3, which states:

"I.A. Members receiving subpoenas or notices to appear in court from competent authority are required to appear as directed on those documents."

SPECIFICATION NO. 3

Failure to obey the lawful order of a superior officer (a violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

- (9) Paragraphs 1 through 5 of Specification No. 1 and paragraphs 6 through 8 of Specification No. 2 hereinabove are realleged herein by this reference and incorporated by such reference as though set forth in full;



- (10) On July 26, 1994, the Personnel Sergeant, Sergeant Quin Jones, left a message on the accused's home answering machine directing her to report to his office to pick up the subpoena. The accused neither called Sergeant Jones nor reported as directed, however, Police Officers' Association representative Sergeant Steve Johnson telephoned Sergeant Jones on behalf of the accused. Sergeant Jones informed Sergeant Johnson of the immediate need for the accused to respond to the Medical Liaison Unit. The accused neither called or responded as directed;
- (11) On July 27, 1994, at 1105 hours, the accused telephone Sergeant Jones and she was instructed by him to report to the Medical Liaison Unit. The accused informed Sergeant Jones that she was unable to comply the order, stating medical reasons prevented her from driving a car;
- (12) On July 27, 1994, at 1305 hours, members of the Claims Validating Unit observed the accused driving her vehicle away from her home in Walnut Creek, California. The accused drove her vehicle to San Francisco and operated same at various places both in San Francisco and in the East Bay. The accused's driving route caused her to drive on the freeway near the Hall of Justice;
- (13) The accused, by failing to obey the Personnel Sergeant's order to report to the Medical Liaison Unit, has engaged in conduct which violates Rule A-11, of General Order D-1, which states:

"11. Members shall promptly obey all lawful orders of superiors. If a member is given an order which conflicts with previous orders or with written directives, the member shall advise the superior of the conflict and proceed according to the superior's direction."

SPECIFICATION NO. 4

Failure to answer questions of a superior officer truthfully and without evasion (a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

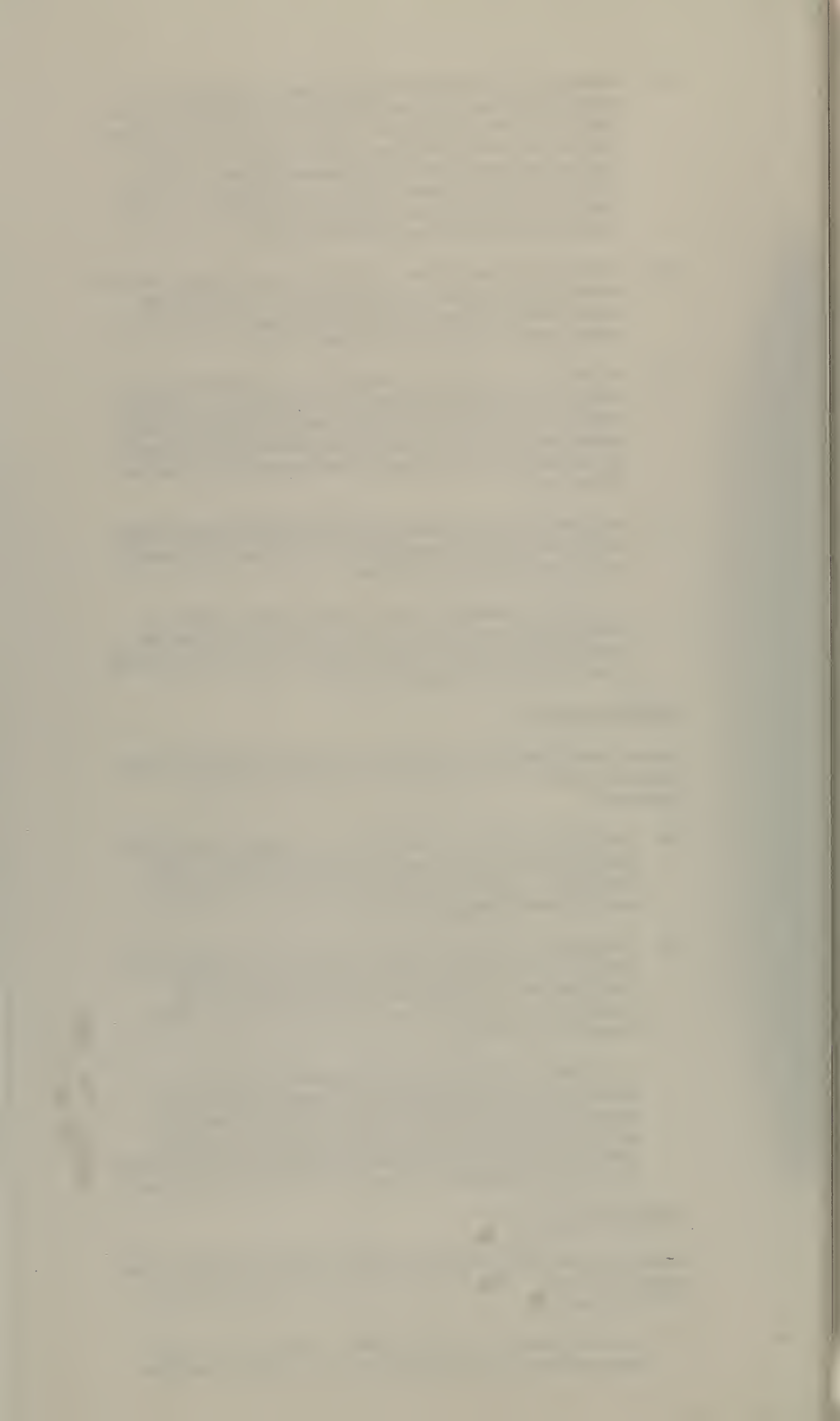
- (14) Paragraphs 1 through 5 of Specification No. 1, paragraphs 6 through 8 of Specification No. 2 and paragraphs 9 through 13 of Specification No. 3 hereinabove are realleged herein by this reference and incorporated by such reference as though set forth in full;
- (15) The accused, by telling Sergeant Quin Jones that she was unable to operate a motor vehicle when in fact she was able to do so, and in fact did subsequently drive to San Francisco has engaged in conduct which violates Rule A-21, of General Order D-1 of the San Francisco Police Department, which states:

"21. Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions, the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

SPECIFICATION NO. 5

Engaging in conduct which subverts the good order, efficiency or discipline of the department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (16) Paragraphs 1 through 3 of Specification No. 1 hereinabove are realleged herein by this reference and incorporated by such reference as though set



forth in full;

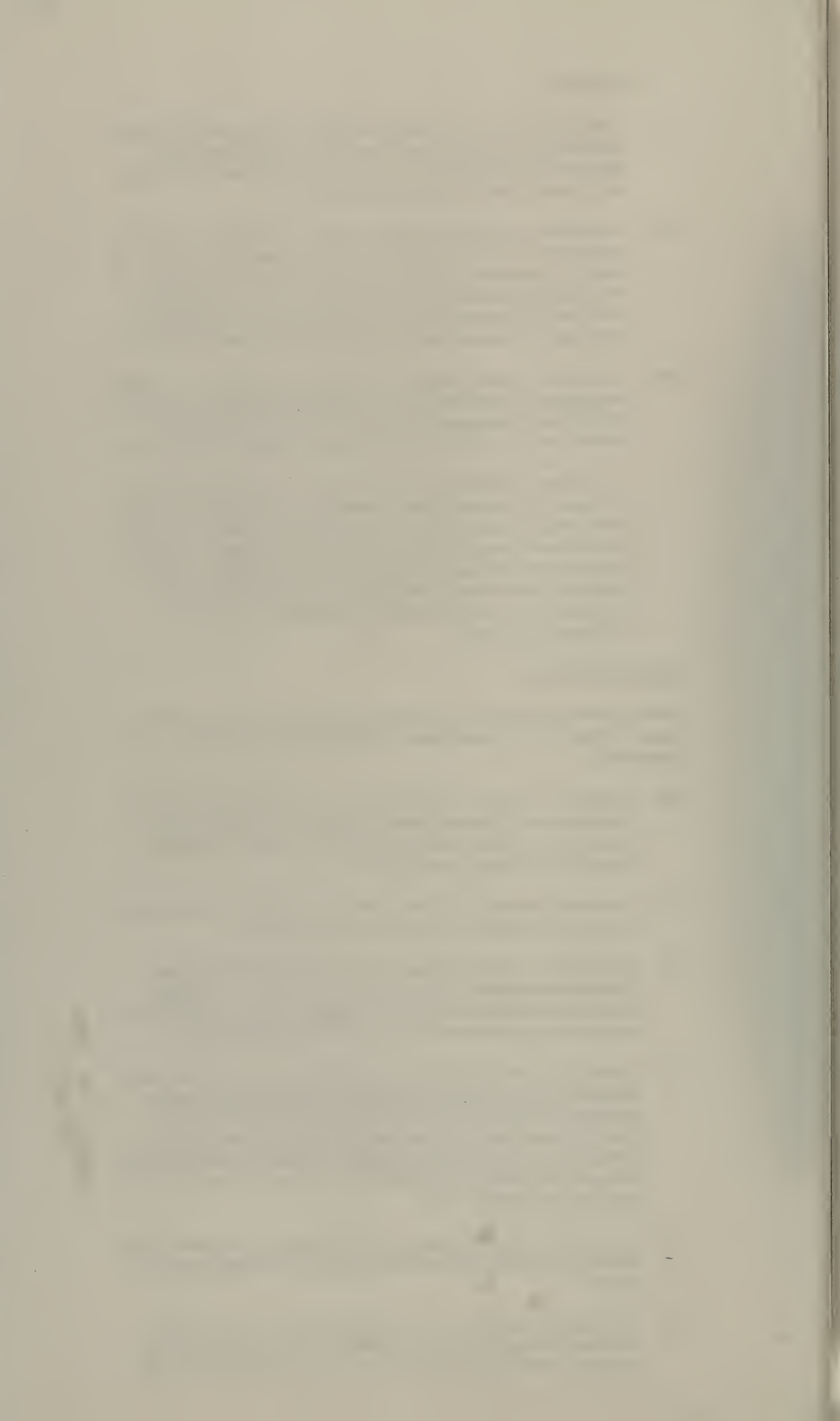
- (17) On August 8, 1994, at 1130 hours, the accused was evaluated for return to duty at the Medical Liaison Unit by the Police Surgeon. Immediately subsequent to the medical evaluation, the accused commenced a meeting with Sergeant Jones concerning her return to duty;
- (18) On August 8, 1994, at approximately 1230 hours, during the meeting with Sergeant Jones, the accused informed him that she needed to leave the office for a moment for a personal matter. At that time Sergeant Jones was telephoning Captain David Maron, the accused's new commanding officer, for the purpose of arranging a meeting between the Captain and the accused. The accused never returned to Medical Liaison Unit office;
- (19) The accused, by leaving an ongoing meeting between herself and Sergeant Jones with the understanding that she would return momentarily, and then failed to return, has engaged in conduct which violates Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"9. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

SPECIFICATION NO. 6

Failure to answer questions of a superior officer truthfully and without evasion (a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

- (20) Paragraphs 2 through 5 of Specification No. 1, paragraphs 6 through 8 of Specification No. 2 and paragraphs 9 through 13 of Specification No. 3 hereinabove are realleged herein by this reference and incorporated by such reference as though set forth in full;
- (21) On or about August 8, 1994, the accused was returned to duty in a limited duty status, and assigned to the Support Services Division;
- (22) On October 21, 1994, the accused was summoned to the Management Control Division relative to MCD Case No. A033-94/95. After being advised of her procedural rights and the obligation to answer truthfully and without evasion, the accused was interviewed by a Superior Officer;
- (23) During the course of the interview, the accused was questioned concerning her ability to operate a motor vehicle to pick up the subpoena from the Medical Liaison Unit on July 27, 1994 and whether she drove to San Francisco on that same day. In response, the accused stated that she was unable to drive at the time which Sergeant Jones directed and required her to report to the Medical Liaison Unit office, and that she did not drive to San Francisco on July 27, 1995;
- (24) The true facts are that the accused was able to operate a motor vehicle, and in fact did so July 27, 1994, and did also drive to San Francisco on that same day;
- (25) The accused, by failing to answer truthfully and without evasion when questioned during a Management Control interview regarding her ability to operate a motor vehicle and her motor vehicle travel on July 27, 1994,



has engaged in conduct which constitutes a violating of Rule A-21, of General Order D-1, of the San Francisco Police Department, which states:

"21. Members shall, when questioned on matters relating to their employment with the Police Department by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions, the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, January 31, 1996, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Moneyhun's plea of no contest, the Commission finds that Specification Nos. 2 and 3, as preferred by former Acting Chief of Police Frank Reed against Officer Susan J. Moneyhun are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Dismissed

SPECIFICATION NO. 2

Sustain

SPECIFICATION NO. 3

Sustain

SPECIFICATION NO. 4

Dismissed

SPECIFICATION NO. 5

Dismissed

SPECIFICATION NO. 6

Dismissed

RESOLVED, that Officer Susan J. Moneyhun be suspended for thirty (30) days; twenty (20) days held in abeyance for two years; Ten (10) day suspension to start on Thursday, February 8, 1996, at 0001 hours and terminate on Friday, February 16, 1996, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

**HEARING OF POLICE OFFICER MARY ESPINOZA, SUPPORT SERVICES
DIVISION (FILE NO. C56-010 RLC)**

The hearing of Police Officer Mary Espinoza, Support Services Division, was called it having been set for this date. Officer Espinoza was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (a violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which may compromise an investigation (a violation of Rule 48 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (a violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, former Chief of Police of the San Francisco Police Department.

Officer Mary Espinoza appeared in person and was represented by Mr. Robert Noel, Attorney at Law.

Mr. Richard L. Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Noel entered a plea of no contest on Specification Nos. 1, 2 and 3 on behalf of Officer Mary Espinoza. Officer Espinoza personally affirmed entry of a no contest plea in these matters.

Based on those findings, the Commission requested a recommendation by Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Officer Mary Espinoza be suspended for 90 days; 45 days to be held in abeyance for two years; 45 days suspension to start thirty days from the date of this hearing.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 28-96

**DECISION - HEARING OF OFFICER MARY ESPINOZA, SUPPORT
SERVICES DIVISION (FILE NO. C56-010 RLC)**

WHEREAS, on September 14, 1995, Anthony D. Ribera, former Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Mary Espinoza, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (a violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned, Officer Mary Espinoza, Star Number 1046, (hereinafter referred to as "the accused") was and is a police officer

employed by the San Francisco Police Department and assigned to the Support Services Division;

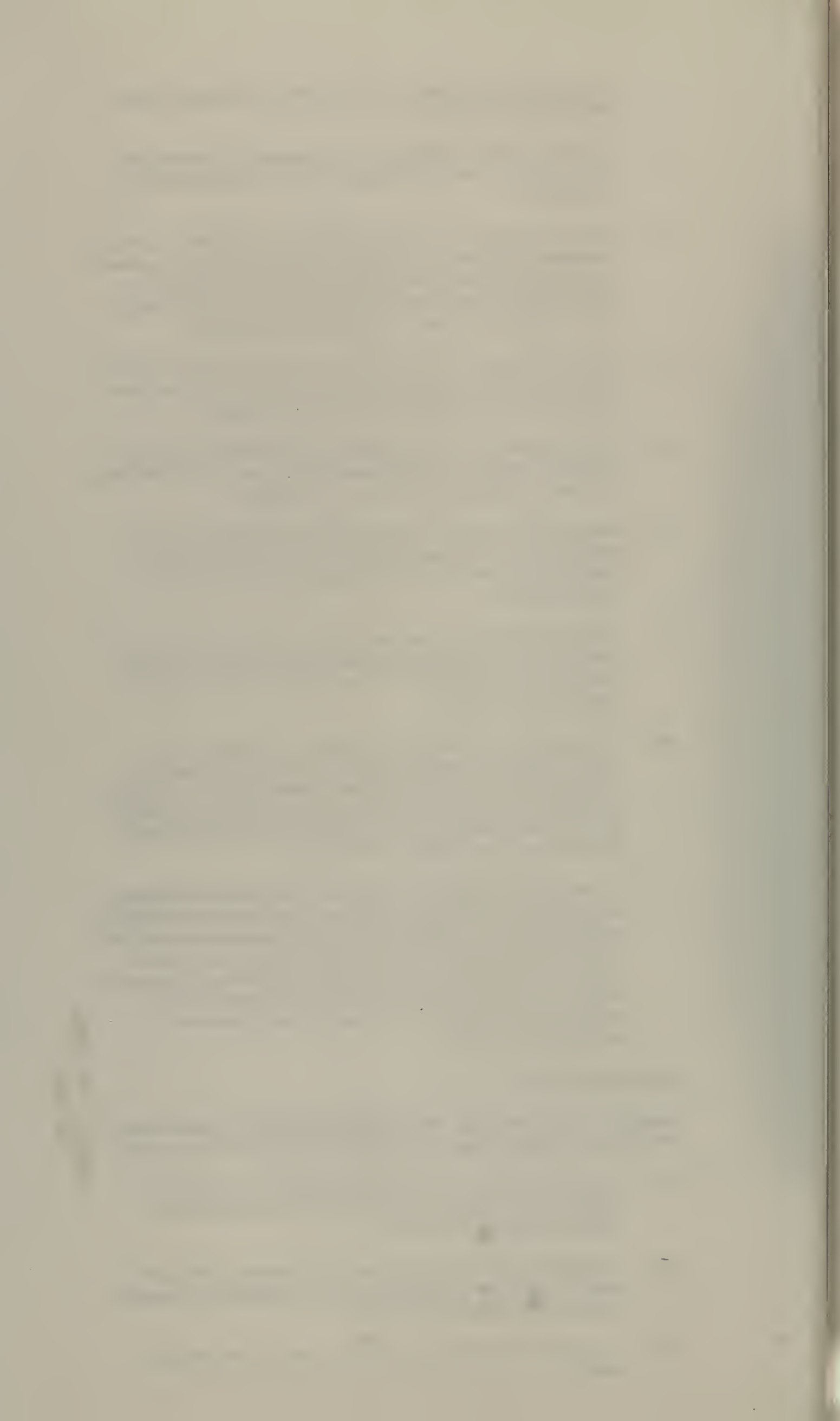
- (2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about December 2, 1994, an investigator from the Daly City Police Department visited Mercy High School in San Francisco in the course of a sex crimes investigation. The investigator met with and interviewed a female juvenile victim/witness (hereinafter referred to as "the witness"), who is a cousin of the subject of the Daly City investigation;
- (4) On or about December 2, 1994, during the course of an interview with the witness, the Daly City police investigator was able to illicit information from the witness concerning the subject of his investigation;
- (5) On about December 2, 1994, the subject of the Daly City investigation, who is the brother of the accused, contacted the witness and inquired about the interview conducted by the Daly City investigator;
- (6) On or about December 7, 1994, the accused visited Mercy High School while off-duty and after identifying herself as a member of the SFPD, requested that the witness be taken from her class and brought to meet with the accused;
- (7) The accused had no proper authority and was not acting in furtherance of her duties as a San Francisco police officer when she used her official capacity to cause the witness to be removed from class and brought to a meeting with the accused;
- (8) The accused, by using her official capacity as a San Francisco police officer to cause the witness to be removed from class and brought to a meeting with her, when she had no proper authority and was not acting in furtherance of her duties as a San Francisco police officer, has engaged in conduct which violates Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"9. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

SPECIFICATION NO. 2

Engaging in conduct which may compromise an investigation (a violation of Rule 48 of Department General Order 2.01 of the San Francisco Police Department);

- (9) Each and every allegation contained in paragraphs (1) through (8) of Specification No. 1 above is incorporated herein this reference and realleged as though set forth in full;
- (10) On December 7, 1994, the accused met with the witness and discussed matters relative to the ongoing Daly City Police Department investigation which concerned the accused's brother;
- (11) The witness was intimidated and pressured by the accused during the meeting;



- (12) The accused, by intimidating and pressuring the witness during their meeting, and discussing matters related to an ongoing criminal investigation, has engaged in conduct such that a criminal investigation may have been compromised, and which violated Rule 48 of Department General Order 2.01 of the San Francisco Police Department, which states:

"48. COMPROMISING INVESTIGATIONS. Except as required by law or Department policy and procedure, members shall not divulge any information or engage in any conduct that may compromise an investigation or prosecution of a criminal offense (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations)."

SPECIFICATION NO. 3

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (a violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

- (13) Each and every allegation contained in paragraphs (1) through (8) of Specification No. 1 and paragraphs (9) through (12) of Specification No. 2 above are incorporated herein this reference and realleged as though set forth in full;
- (14) On December 7, 1994, during the meeting with the witness, in an attempt to dissuade and/or intimidate the witness from testifying against the subject of the Daly City police investigation, the accused informed the witness that she did not have to answer the questions of the Daly City Police Department;
- (15) The accused, by attempting to dissuade and/or intimidate the witness from testifying against the subject of the Daly City Police investigation has engaged in conduct of a criminal nature as defined by California Penal Code Section 136.1, which states:

"136.1. PREVENTING OR DISSUADING FROM ATTENDING OR GIVING TESTIMONY.

- (a) Except as provided in subdivision (c), any person who does any of the following is guilty of a misdemeanor.
- (1) Knowingly and maliciously prevents or dissuades any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized by law.
- (2) Knowingly and maliciously attempts to prevent or dissuade any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized by law ...
- (d) Every person attempting the commission of any act described in subdivisions (a)(b), and (c) is guilty of the offense attempted without regard to success or failure of such attempt. The fact that no person was injured physically, or intimidated, shall be no defense against any prosecution under this section."
- (16) The accused, by attempting to dissuade the witness from testifying, has engaged in conduct which is punishable as a misdemeanor under section 136.1 of the California Penal Code, has engaged in conduct which violates Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"9. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the

state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, January 31, 1996, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Mary Espinoza's plea of no contest, the Commission finds that the allegations contained in Specification Nos. 1, 2 and 3, as preferred by former Chief of Police Anthony D. Ribera against Officer Mary Espinoza are sustained; and the Commission adopts the sustained specifications as its findings in this matter;

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain

SPECIFICATION NO. 2

Sustain

SPECIFICATION NO. 3

Sustain

RESOLVED, that Officer Mary Espinoza be suspended for 90 days; 45 days to be held in abeyance for two years; 45 remaining days to be imposed starting on Friday, March 1, 1996 at 0001 hours and terminate on Sunday, April 14, 1996 at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION



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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, FEBRUARY 7, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

ROOM 551
5:30 p.m.

DOCUMENTS DEPT.

FEB 29 1996

Fax Posted
121

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PUBLIC LIBRARY

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Report
 - a. Motion of Calendaring of New Items
4. Chief's Report to the Police Commission
5. Presentation to the San Francisco Police Department by Mr. Michael J. Yamaguchi, United States Attorney, of a \$59,086.78 Check Representing SFPD's Equitable Share of the Net Proceeds of Asset Forfeiture
6. Presentation by the Chief of Police of Proposed Reorganization of the San Francisco Police Department
7. OCC Director's Report to the Police Commission
8. Discussion and Action re: Proposed Fiscal Year 1996-97 OCC Budget
9. Request of the Chief of Police to Accept Donations of Four Chevrolet Vehicles from DRMO-Stockton, valued at \$81,400.00 to be Placed Into the Department Fleet
10. Report from In-Custody Death Task Force "History, Update and Future Plans"
11. Report from In-Custody Death Task Force on In-Custody Deaths for the Last Five Years (Statistical, Demographic and Explanation of Process)

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

and



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, FEBRUARY 7, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

12. Status Report re: 911 System
13. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
14. Disposition Hearing on Charges Filed Against Inspector Bradley Nicholson, Homicide Detail (File No. C56-150 RLC)

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.



45
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2
7/96
FEBRUARY 7, 1996

Minutes
REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong

DOCUMENTS DEPT.

JUL 29 1996

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POLICE COMMISSION REPORT

Commissioner Norman discussed a ride-along she participated in at Ingleside Station on Saturday, February 3rd. She commended Lieutenant Robinson and members of the station. She also discussed equipment needed at the station and talked about training.

Commissioner Norman also talked about brutality and standards of culpability and discussed sexual harassment, racism and intercommunication skills and also recent department bulletins.

Commissioner Hewlett then asked to calendar a report on the police patrol boat.

PRESENTATION TO THE SAN FRANCISCO POLICE DEPARTMENT
BY MR. MICHAEL J. YAMAGUCHI, UNITED STATES ATTORNEY, OF
A \$59,086.78 CHECK REPRESENTING SFPD'S EQUITABLE SHARE OF
THE NET PROCEEDS OF ASSET FORFEITURE

Taken out of order.

U.S. Attorney, Michael Yamaguchi, thanked the department for their efforts and presented a check in the amount of \$59,086.78 as equitable share of asset forfeiture regarding arrests. Mr. Yamaguchi commended Chief Lau and Assistant Chief Sanders.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau presented item 6, the department's reorganization to the Commission.

Commissioner Norman discussed her concerns regarding the Housing Task Force and Enforcement of ordinances.

After discussion, motion by Commissioner Medina, second by Commissioner Hewlett. Approved 5-0.

RESOLUTION NO. 33-96

APPROVAL OF PROPOSED REORGANIZATION OF THE SAN
FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves proposed reorganization of the San Francisco Police Department.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer discussed his participation Youth Leadership Group and discussion with the group.

DISCUSSION AND ACTION RE: PROPOSED FISCAL YEAR 1996-97
OCC BUDGET

Director Lance Bayer discussed recently passed Proposition G and

provisions of that proposition.

Commissioner Medina expressed concerns regarding low training budget.

Commissioner Norman inquired about outside source of funding to assist the budget process if necessary.

John Crew, ACLU, addressed his concerns that the budget was not in compliance with Prop G and suggested that the approval of 14 investigators instead of 13 as mandated by Prop G.

Commissioner Hewlett then asked the City Attorney to review Prop G to assure compliance and work with the Mayor's office.

Director Bayer then asked the Commission approve the budget provision for salary increase if the number of investigators authorized is to change.

Discussion then ensued regarding the increase in the budget to include additional investigators.

After the discussion, the matter was continued. Motion by Commissioner Hewlett, second by Commissioner Medina to continue matter until the City Attorney has a chance to review and offer an opinion regarding the number of investigators required. Motion approved 5-0.

REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATIONS OF FOUR CHEVROLET VEHICLES FROM DRMO-STOCKTON, VALUED AT \$81,400.00 TO BE PLACED IN THE DEPARTMENT FLEET

Chief Lau presented the donation of the vehicles. Motion by Commission Hewlett, second by Commission Wong. Approved 5-0.

RESOLUTION NO. 34-96

APPROVAL TO ACCEPT DONATIONS OF FOUR CHEVROLET VEHICLES FROM DRMO-STOCKTON, VALUED AT \$81,400.00 TO BE PLACED INTO THE DEPARTMENT FLEET

WHEREAS, the San Francisco Police Department is in need of utility vehicles to be available in emergency situations; and

WHEREAS, the Department of Defense has offered to donate the following vehicles valued at over Five Thousand (\$5,000.00) dollar to the Police Department:

VIN #1GCGD34JXEF329550, Year 1984, Make of Vehicle Chevrolet, Series or Model M1008A1, Body Style Cargo 5/4 Ton, Fuel Diesel, No. of Cylinders 8, Weight (Shipping) 5,720, GVWR N/A, Purchase Price \$20,000.00, Odometer Disclosure Statement 19,440

VIN #1GCHD34JXEF358948, Year 1984, Make of Vehicle Chevrolet, Series or Model M1028, Body Style Cargo 5/4 Ton, Fuel Diesel, No. of Cylinders 8, Weight (Shipping) 5,720, GVWR N/A, Purchase Price \$21,400.00, Odometer Disclosure Statement 7,444

VIN #1G8ED18J7EF186079, Year 1984, Make of Vehicle Chevrolet, Series or Model M1009, Body Style Utility, 3/4 Ton, Fuel Diesel, No. of Cylinders 8, Weight (Shipping) 5,280, GVWR N/A, Purchase Price \$20,000.00, Odometer Disclosure Statement 15,682

VIN #1G8ED18EF162271, Year 1984, Make of Vehicle Chevrolet, Series or Model M1009, Body Style Utility, 3/4 Ton, Fuel Diesel, No. of Cylinders 8, Weigh (Shipping) 5,280, GVWR N/A, Purchase Price \$20,000.00, Odometer Disclosure Statement 26,584

WHEREAS, the value of the vehicles exceeds five thousand (\$5,000.00) dollars; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco urges the Board of Supervisors to authorize the Chief of Police to

REIGN OF KING CHARLES THE FIRST

IN THE YEAR 1649

BY JOHN BURNET

IN TWO VOLUMES

LONDON

Printed by J. Sturges, at the Sign of the Gun, in St. Dunstons Church-yard, near St. Dunstons Church

1724

By Authority

Printed by J. Sturges, at the Sign of the Gun, in St. Dunstons Church-yard, near St. Dunstons Church

1724

By Authority

Printed by J. Sturges, at the Sign of the Gun, in St. Dunstons Church-yard, near St. Dunstons Church

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1724

By Authority

Printed by J. Sturges, at the Sign of the Gun, in St. Dunstons Church-yard, near St. Dunstons Church

1724

By Authority

accept, on behalf of the San Francisco Police Department, a gift of utility vehicles from the Department of Defense.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

REPORT FROM IN-CUSTODY DEATH TASK FORCE "HISTORY, UPDATE AND FUTURE PLANS"

REPORT FROM THE IN-CUSTODY DEATH TASK FORCE ON IN-CUSTODY DEATHS FOR THE LAST FIVE YEARS (STATISTICAL, DEMOGRAPHIC AND EXPLANATION OF PROCESS)

Commander Holder gave an overview of the in-custody death task force and the recommendations.

Bruce Kapsack briefed the Commission on in-custody deaths over the last five years. Recommended to expand the task force and suggested a change in the name to T.E.A.M., Training Enforcement And Management.

Commissioner Norman suggested that the Chief be responsible for revamping the training issue etc.

The task force will be evaluated and a report given back to the Commission at a later date.

It was also indicated that San Francisco is among the lowest with in-custody death in the last five years.

John Crew, ACLU, commended the Task Force for their efforts and their research.

STATUS REPORT RE: 911 SYSTEM

Captain Tom Donohoe presented the report in the 911 system. He indicated that the project is on track. The 911 center is scheduled to open in the spring of '99. The new CAD is scheduled to be completed late 1998.

Captain Donohoe also indicated a new classification of communications dispatch management and Human Resources and an announcement is prepared and will soon be issued. He also indicated that the costs estimate for the interim CAD are due from the vendors and a selection will be made after these estimates are received.

PUBLIC COMMENTS

James Bryant, Local 790, discussed concerns regarding interim director in Communications and also the CAD system and asked that he be involved and Local 790 be involved in all process regarding staffing and concerns of Local 790.

Avis Jones, dispatcher, expressed her concerns.

Al Haggett, dispatcher, discussed new people being hired and also training process.

John Crew, ACLU, complimented Chief Lau for organizing the Risk Management Unit.

Wendy Loren discussed complaint filed with OCC.

DISPOSITION HEARING ON CHARGES FILED AGAINST INSPECTOR BRADLEY NICHOLSON, HOMICIDE DETAIL (FILE NO. C56-150 RLC)

Put over to February 14th.

Thereafter, meeting was adjourned at 9:25 p.m.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION



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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, FEBRUARY 14, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

ROOM 551

5:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Report
 - a. Motion of Calendaring of New Items
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Daniel D. O'Shea, Southern Station (File No. C56-156 RLC)
5. Chief's Report to the Police Commission
6. OCC Director's Report to the Police Commission
7. Discussion and Action re: Proposed Fiscal Year 1996-97 OCC Budget
8. Status Report re: Early Warning System
9. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, FEBRUARY 14, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

10. Disposition Hearing on Charges Filed Against Inspector Bradley Nicholson, Homicide Detail (File No. C56-150 RLC)

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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14/96
FEBRUARY 14, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong

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POLICE COMMISSION REPORT

Commissioner Hewlett asked that the overview of training be calendared March 13th.

Commissioner Medina reported meeting with the religious witness group on how the department deals with the homeless.

Chief Lau stated that department representatives regularly meet with the group regarding homeless issues and continues to work with the groups in that area.

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR
TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER
DANIEL O'SHEA, SOUTHERN STATION (FILE NO. C56-156 RLC)

Assigned to Commissioner Hewlett. Conference set for March 14th, at 4:30 p.m.

RESOLUTION NO. 35-96

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO
CONDUCT TAKING OF EVIDENCE ON CHARGES FILED AGAINST
OFFICER DANIEL D. O'SHEA, SOUTHERN STATION
(FILE NO. C56-156 RLC)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Daniel D. O'Shea, Southern Station, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer O'Shea; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Daniel D. O'Shea and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau stated the department participated in a mini FRET program at which there were 24 arrests. The Chief also reported to the Commission regarding the pending sergeant's exam and stated that all matters of concern are signed-off in the process and the scores will be sent on February 23rd, hopefully the list will be posted on the 29th, for review March 9th. He hopes to possibly appoint in approximately 30 days.

Commissioner Hewlett then inquired regarding how the appointments were made and how banding affected the appointments.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer stated he had recently spoke to the group called Center for Living and Retirement regarding the OCC's duties and responsibilities. He also asked that the year end statistical report be calendared for February 21st.



DISCUSSION AND ACTION RE: PROPOSED FISCAL YEAR 1996-97 OCC BUDGET

Director Bayer presented the OCC budget.

Commissioner Norman expressed her concerns regarding 14 investigators as opposed to 13 and that she does not approve of cuts in the OCC budget.

Commissioner Hewlett expressed her concerns for funding of 14 and if 14 investigators were funded, would there be cuts on other lined item of the budget.

John Crew, ACLU, discussed his concerns regarding the recent Proposition G and the number of investigators required.

Discussion followed regarding 13 or 14 investigators should be included in the budget.

Commissioner Keker suggested the budget be sent up requesting 14 investigators.

Larry Shockey, Local 790, stated and asked for full line staffing of 14 and not 13.

Mary Vale expressed her concerns and urges 14 investigators.

After discussion, motion by Commissioner Medina, second by Commissioner Wong. Budget approved 5-0.

RESOLUTION NO. 36-96

APPROVAL OF PROPOSED FISCAL YEAR 1996-97 OCC BUDGET

RESOLVED, that the Police Commission hereby approves proposed fiscal year 1996-97 OCC Budget of \$1,795,413.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

STATUS REPORT RE: EARLY WARNING SYSTEM

Captain Greg Winters presented the Early Warning System. After discussion, Commissioner Hewlett discussed training of commanding officers.

John Crew, ACLU, suggested three complaints instead of four should be used to trigger the system.

Steve Johnson, POA, expressed his concerns and employees of the POA.

After discussion, matter recalendared for August 14th.

PUBLIC COMMENTS

Leslie Sheehan discussed concerns regarding screening process of police officer candidates.

M. Washington discussed concerns over OCC disposition of complaints.

HEARING OF POLICE INSPECTOR BRADLEY A. NICHOLSON, HOMICIDE DETAIL(FILE NO. C56-150 RLC)

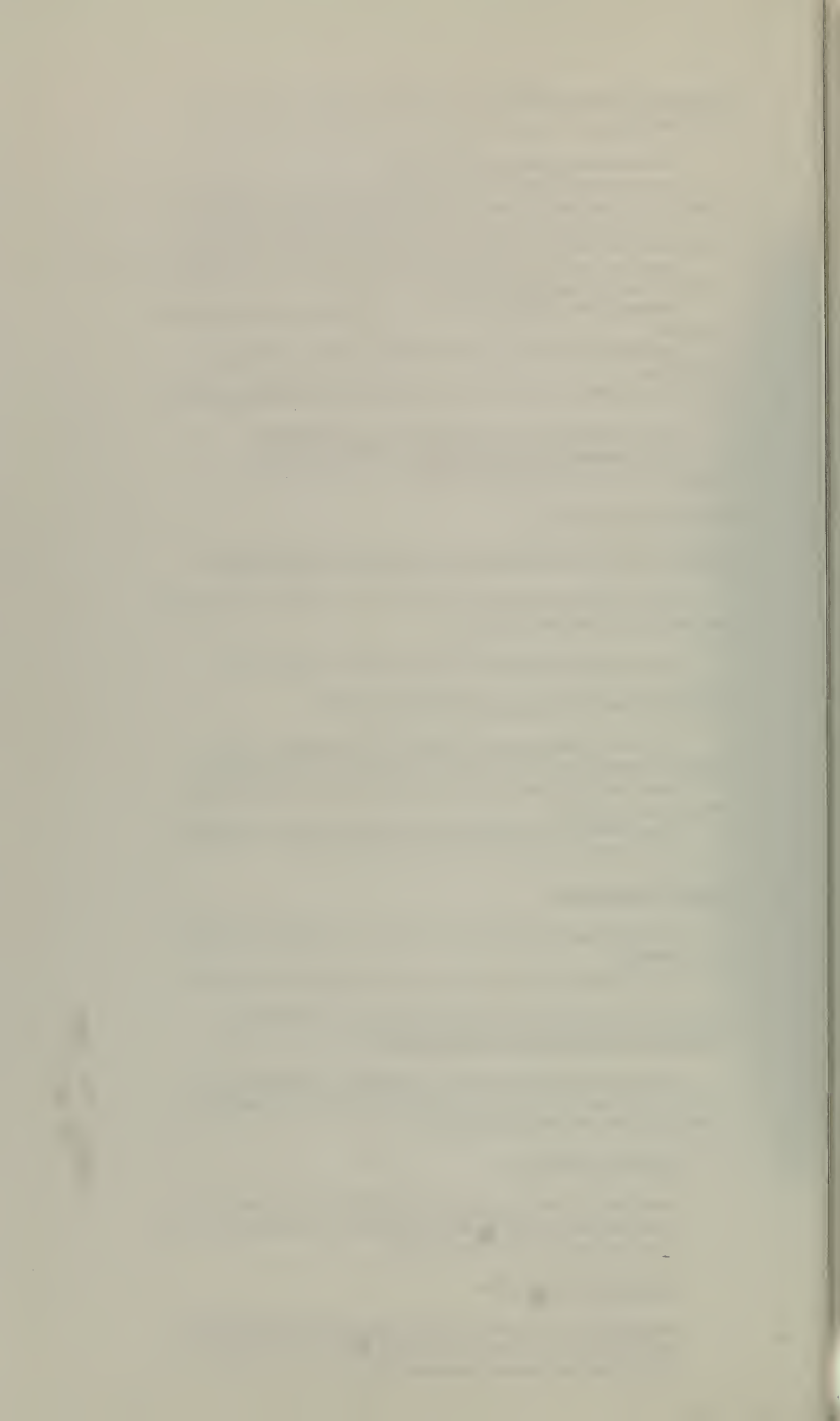
The hearing of Inspector Bradley A. Nicholson, Homicide Detail, was called it having been set for this date. Inspector Nicholson was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Attempting to mislead or deceive the Police Physician concerning the circumstances of an injury (violation of Rule M.2.a. of General Order 11.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in activities while on disability leave that could aggravate his injury or delay his convalescence (violation of rule M.2.f. of General Order 11.01 of the San Francisco Police Department);



in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Inspector Bradley A. Nicholson appeared in person and was represented by Ms. Kathy Mahoney, Attorney at Law.

Mr. Richard Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Ms. Mahoney entered a plea of no contest on Specification No. 2 on behalf of Inspector Bradley. Inspector Bradley personally affirmed entry of a no contest plea in these matters.

The Police Commission unanimously approved and accepted the plea of Inspector Bradley.

Based on these findings, the Commission requested a recommendation from Chief of Police Fred H. Lau. The following recommendation was made the Chief of Police:

SPECIFICATION NO. 1

Dismissed

SPECIFICATION NO. 2

Forty-five (45) days suspension

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 37-96

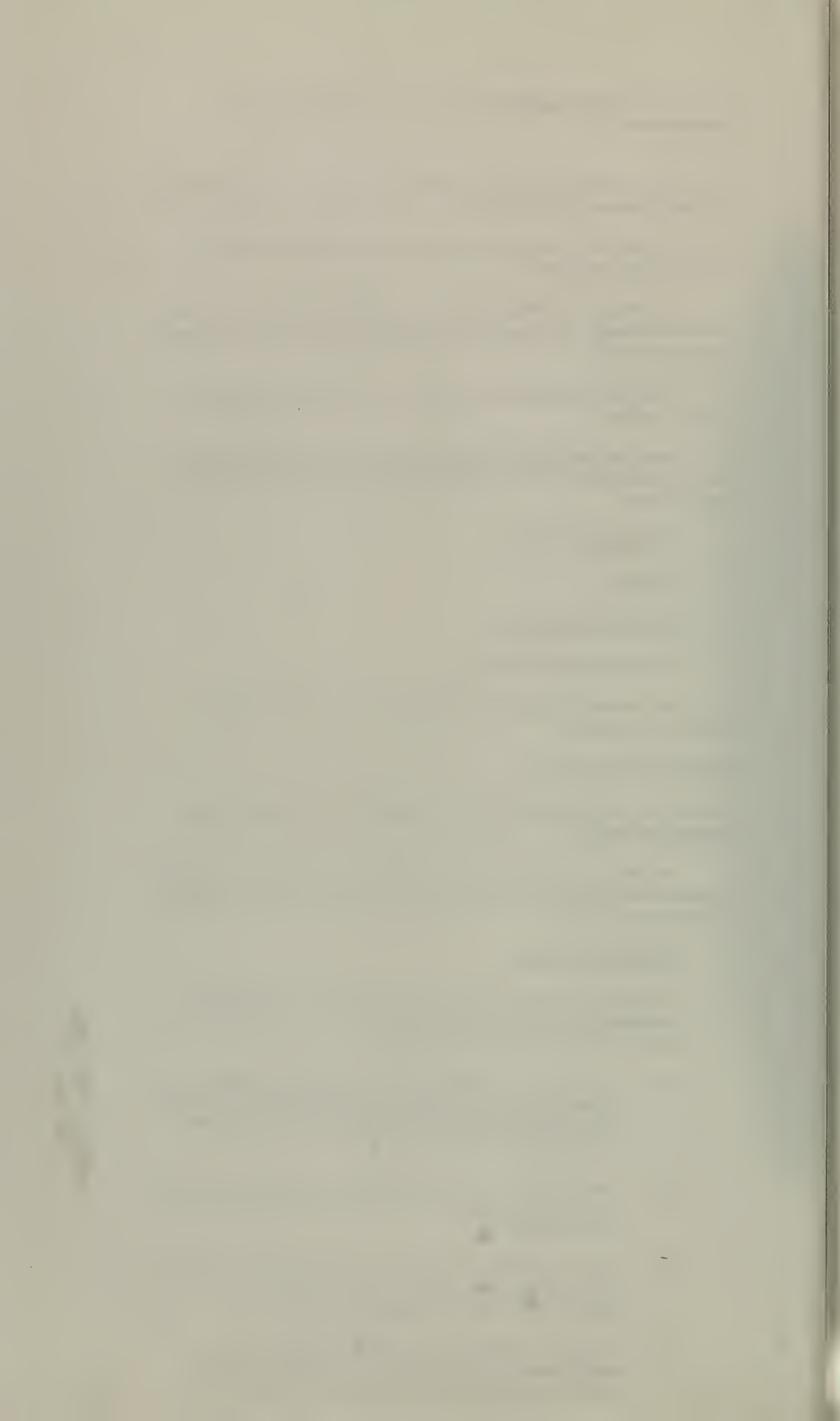
DECISION - HEARING OF INSPECTOR BRADLEY A. NICHOLSON,
HOMICIDE DETAIL

WHEREAS, on February 6, 1996, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Inspector Bradley A. Nicholson as follows:

SPECIFICATION NO. 1

Attempting to mislead or deceive the Police Physician concerning the circumstances of an injury (violation of Rule M.2.a. of General Order 11.01 of the San Francisco Police Department);

- (1) At all times herein mentioned, Inspector Bradley A. Nicholson, Star Number 262, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Homicide Detail;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about February 10, 1995, the accused sustained an industrial injury which resulted in him being placed on disability leave. The disability leave continued through May 2, 1995;
- (4) On April 10, 1995, the accused was examined by the Police Physician relative to his industrial injury. During the examination, the Police Physician asked the accused about his level of disability,



and the progress of his convalescence;

- (5) During the examination by the Police Physician on April 10, 1995, the accused told the Police Physician that during his convalescence he had limited his activities to walking, reading, lounging, and light yard work. The true facts are that the accused had been engaging in strenuous physical activity prior to his examination with the Police Physician, including heavy yard work and sport activities;
- (6) The accused, by telling the Police Physician that while on disability leave his physical activities were limited to walking, reading, lounging, and light yard work when, in fact, he had engaged in heavy yard work and sport activities, has engaged in conduct which violates Rule M.2.a. of General Order 11.01 of the San Francisco Police Department, which states:

"2. Sick or Disability Leaves

- a. A member shall not stimulate any injury or illness or attempt to mislead or deceive the treating physician, the Police Physician, the commanding officer or any superior officer assigned to investigate the circumstances of the injury or illness."

SPECIFICATION NO. 2

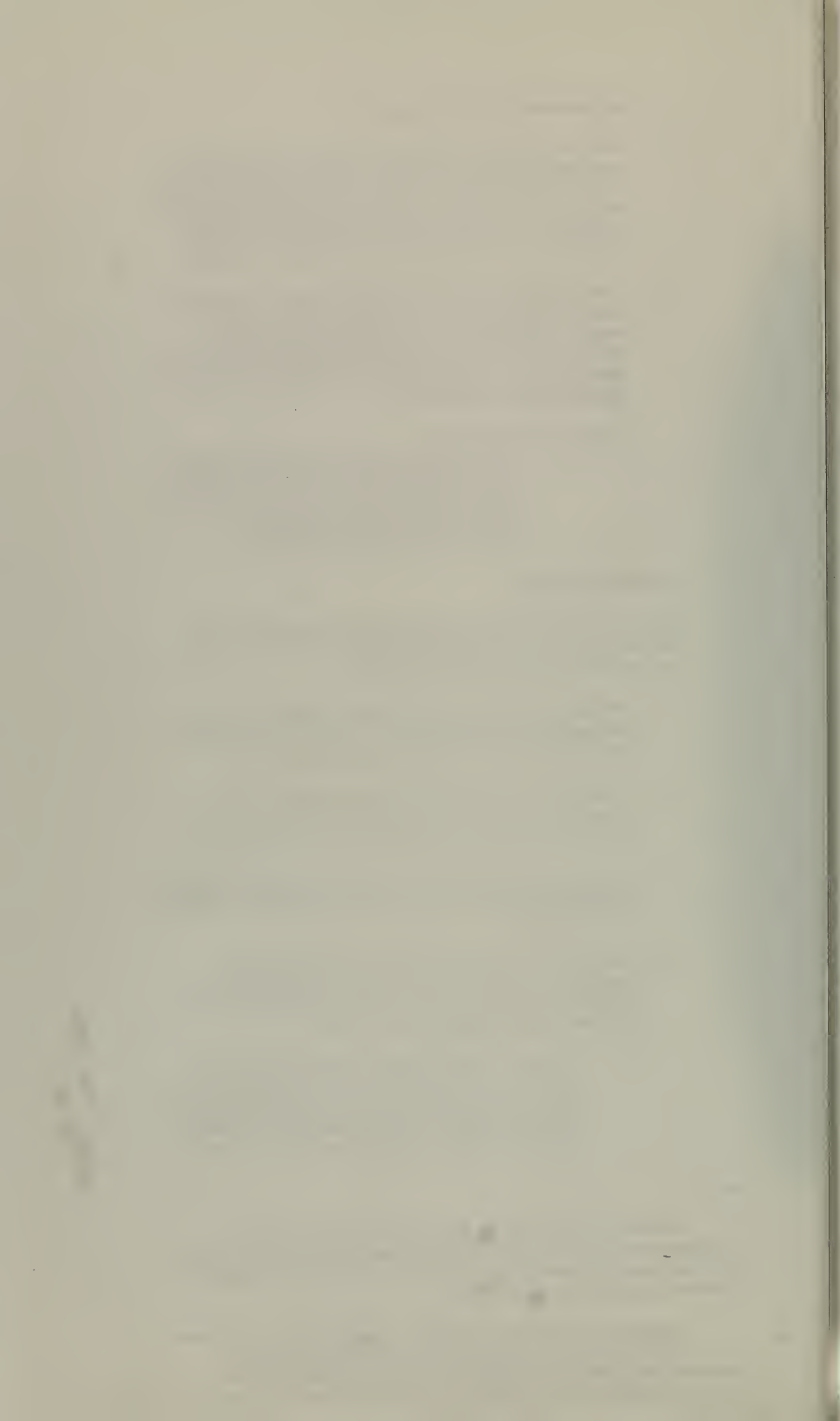
Engaging in activities while on disability leave that could aggravate his injury or delay his convalescence (violation of rule M.2.f. of General Order 11.01 of the San Francisco Police Department);

- (7) Each and every allegation contained in paragraphs one through three, inclusive, of Specification No. 1, are incorporated herein by this reference and are realleged as though set forth in full;
- (8) On March 28, 1995, members of the Claims Validation Unit observed the accused doing moderate to heavy yard work at his home, which included using a chain saw and moving branches;
- (9) The nature of the accused's industrial injury was such that engaging in moderate to heavy yard work could aggravate his injury or delay his convalescence;
- (10) The accused, by engaging in physical activities which could aggravate his injury or delay his convalescence, has engaged in conduct which violates Rule M.2.f. of General Order 11.01 of the San Francisco Police Department, which states:
 - "f. A member on sick or disability leave shall not knowingly engage in any activity that could aggravate his/her injury or illness or delay convalescence, e.g., sports activities such as baseball, football, etc. Therapy prescribed by an attending physician or physical therapist is exempt from this rule."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, February 14, 1996 and the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Inspector Bradley A. Nicholson's plea of no contest, the Commission finds that the allegations contained in Specification No. 2 as preferred by the Chief of Police, Fred H. Lau, against Inspector Nicholson are sustained; and the Commission adopts the sustained specification as its findings in



this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Dismissed

SPECIFICATION NO. 2

Sustain - Forty-five (45) days suspension

FURTHER RESOLVED, that said forty-five (45) day suspension shall commence on Saturday, March 30, 1996 at 0001 hours and terminate on Monday, May 13, 1996, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

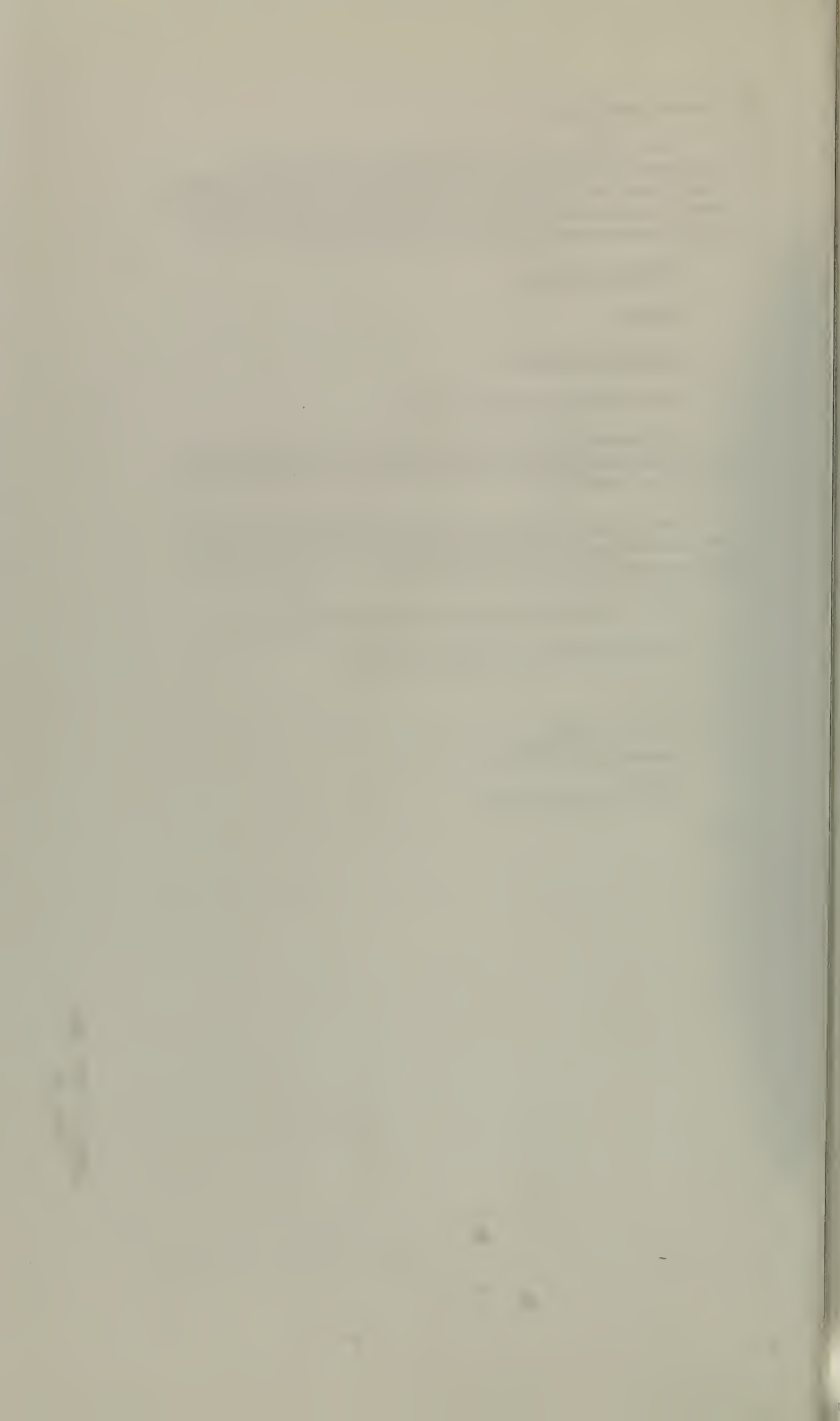
AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

Thereafter, the meeting was adjourned at 7:40 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, FEBRUARY 21, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

JOHN KIKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

CLOSED SESSION

ROOM 505-2
5:15 p.m.

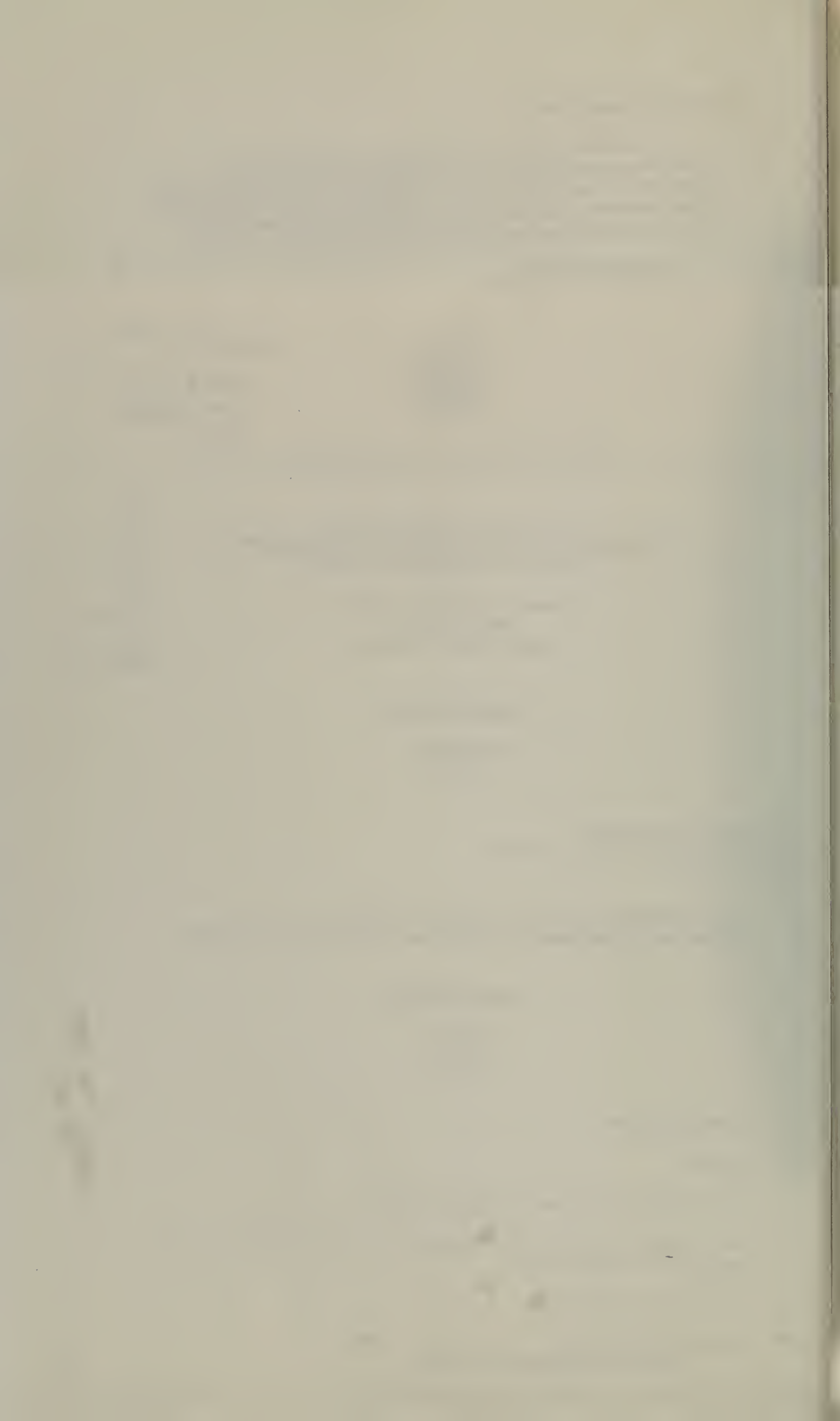
Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:

- a. Oleg G. Shahnazarov v. CCSF, et al., Claim No. 94-04535
- b. Michael Lavella, Sunny Anderson v. CCSF, et al., Superior Court No. 955-038

PUBLIC SESSION

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Minutes of Meetings of November 29, 1995, December 6th and 13, 1995, January 10th, 17th and 24, 1996
5. Approval of Consent Calendar
6. Police Commission Report
 - a. Motion of Calendaring of New Items





The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, FEBRUARY 21, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHIL DE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT MANUEL BARRETTA
Secretary

7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Presentation of OCC 1995 Year End Statistical Report
10. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

CONSENT CALENDAR

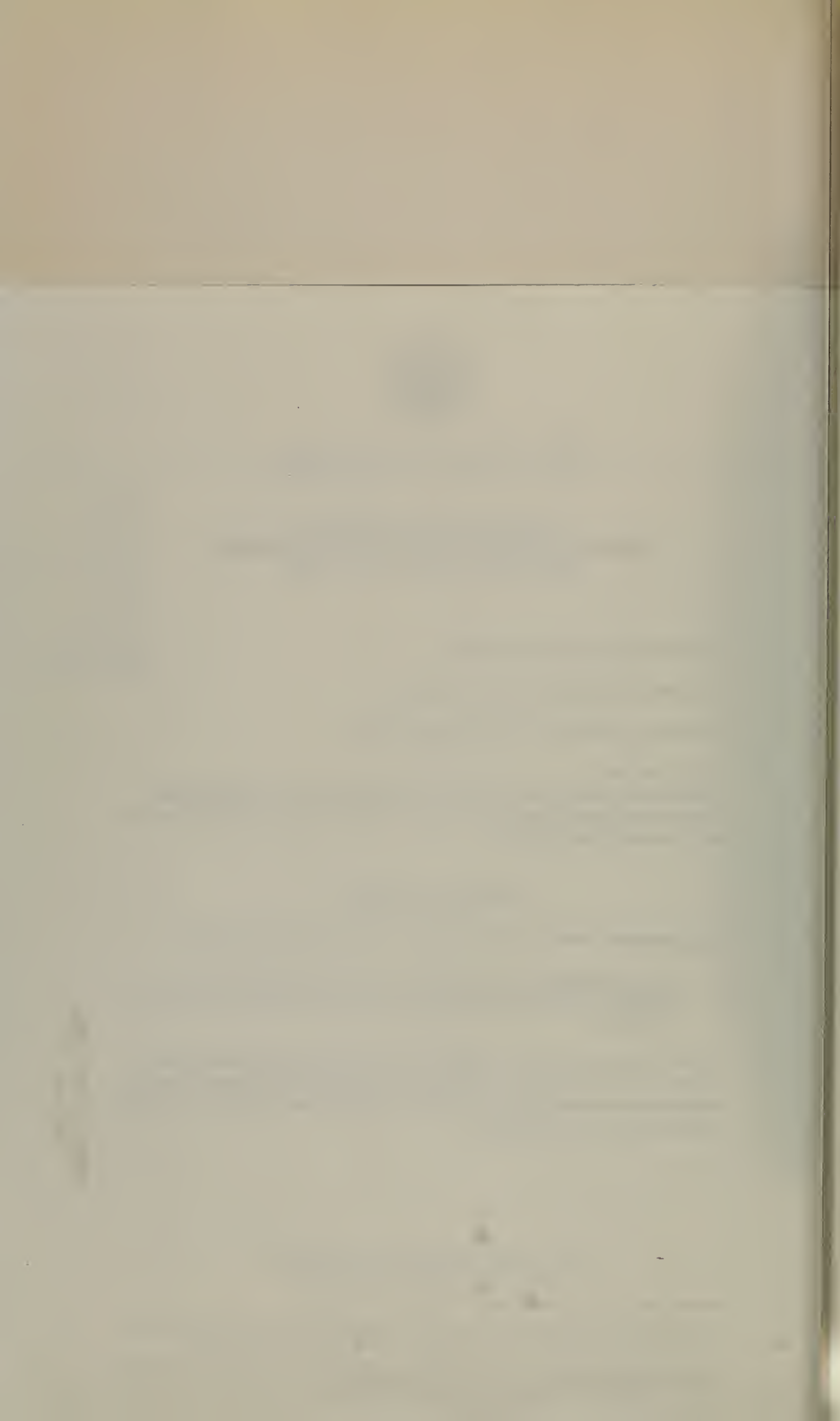
1. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Oleg G. Shahnazarov v. CCSF, et al., Claim No. 94-04535, \$9,500.00
 - b. Michael Lavella, Sunny Anderson v. CCSF, et al., Superior Court No. 955-038, \$25,000.00
2. Request of the Chief of Police to Accept a Total of four (4) Bicycles from the Outer Sunset Merchant's Association, The Parkmerced Apartments (July Goldsmith) and the Stonestown Apartments (Bert Polacci), valued at approximately \$1,670.00, for Used for Bicycle Patrol in the Taraval District

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21/96
FEBRUARY 21, 1996

Minutes
CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, in Closed Session.

Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:

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- a. Oleg G. Shahnazarov v. CCSF, et al. Claim No. 94-04535
- b. Michael Lavella, Sunny Anderson v. CCSF, et al.
Superior Court No. 955-038

PRESENT: Commissioners Keker, Norman, Medina, Wong
ABSENT: Commissioner Hewlett

FEBRUARY 21, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Medina, Wong
ABSENT: Commissioner Hewlett

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

Commissioner Keker announced the Commission met in closed session and they voted no disclosure of executive session.

APPROVAL OF MINUTES OF MEETINGS OF NOVEMBER 29, 1995, DECEMBER 6TH AND 13, 1995, JANUARY 10TH, 17TH AND 24, 1996

Approval of minutes of meetings of November 29, 1995, December 6th and 13, 1995, January 10th, 17th and 24, 1996, the Commissioners having received, approved and returned copies of same.

Motion by Commissioner Norman, second by Commissioner Medina.
Approved 4-0.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Medina, second by Commissioner Wong.
Approved 4-0.

RESOLUTION NO. 38-96

OLEG G. SHAHAZAROV v. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Oleg G. Shahnazarov v. CCSF, et al" in Claim No. 94-04535 for damages sustained, be, and the same is hereby approved.

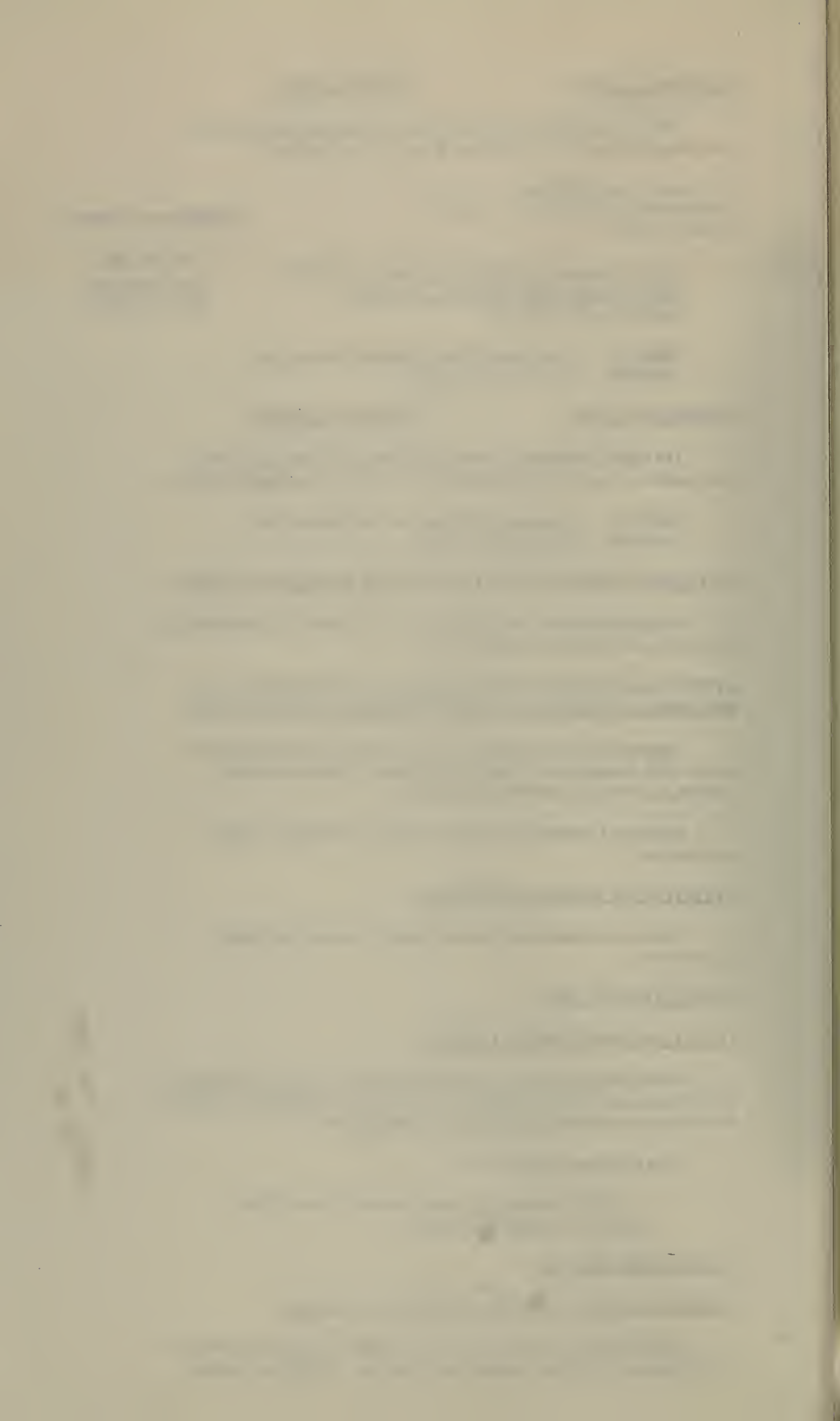
Date of Incident: March 20, 1995

AYES: Commissioners Keker, Norman, Medina, Wong
ABSENT: Commissioner Hewlett

RESOLUTION NO. 39-96

MICHAEL LAVELLA, SUNNY ANDERSON v. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Michael Lavella, Sunny Anderson v. CCSF et al" in San



Francisco Superior Court No. 955-038 for damages sustained, be, and the same is hereby approved.

Date of Incident: February 21, 1996

AYES: Commissioners Keker, Norman, Medina, Wong

ABSENT: Commissioner Hewlett

RESOLUTION NO. 40-96

APPROVAL TO ACCEPT A TOTAL OF FOUR (4) BICYCLES FROM THE OUTER SUNSET MERCHANT'S ASSOCIATION, THE PARKMERCED APARTMENTS (JUDY GOLDSMITH) AND THE STONESTOWN APARTMENTS (BERT POLACCI), VALUED AT APPROXIMATELY \$1,670.00, TO BE USED FOR BICYCLE PATROL IN THE TARAVAL DISTRICT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept a total of four (4) bicycles from the outer Sunset Merchants' Association, the Parkmerced Apartments (Judy Goldsmith) and the Stonestown Apartments (Bert Polacci), valued at approximately \$1,670.00, to be used for bicycle patrol in the Taraval District.

AYES: Commissioners Keker, Norman, Medina, Wong

ABSENT: Commissioner Hewlett

POLICE COMMISSION REPORT

Commissioner Keker discussed continuance in Hernandez case.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau stated the department had initiated a safe Chinese holiday in the Richmond and Central districts which dealt with extortion etc. He also discussed the collapsed of a deck on a building on Franklin Street resulting on one death and commended Lieutenant Keith Sanford and members of the Northern Station who assisted in the evacuation of victims at the scene. He also talked of a gang shooting in Chinatown and the recovery of 47 weapons.

Commissioner Keker discussed cooperation with Federal agencies regarding crime problems.

Commissioner Norman discussed attending My Favorite Cop luncheon that day and indicated that positive services by the police have too little information to the public. She asked the Chief to look into more public listings regarding these types of actions.

Chief Lau responded by indicating he's planning to issue a department newsletter regarding positive issues that are brought to all members of the department.

POLICE COMMISSION REPORT continued:

Commissioner Keker stated at this time he is assigned the 938 Harrison/Aaron Williams matters. He also discussed receiving a letter from Jim Collins regarding pretrial conferences. He also stated he has talked with Jim Collins and Bruce Kapsack, from OCC, regarding conferences. He stated that the pretrial in both cases will be held at night and will be calendared so that the public may attend. Exact dates will be coordinated and parties notified. He also indicated, at the conferences, each case will be reviewed officer by officer and charge by charge, also possible defense and any offers, if any, regarding disposition. He also discussed the possibility of attorneys agreeing to a hearing by a possibly retired judge.

Bruce Kapsack, OCC, indicated that offers have been made to all the officers involved and further discussion will be held at the prehearing conferences.

Commissioner Medina expressed preference for a full commission hearing

rather than single commission hearings.

All Commissioners will be notified regarding the prehearing conferences.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Lance Bayer further discussed from a previous meeting clear up any misunderstanding regarding number of investigators in the budget request from last week. He stated he has confidence in his investigators. He further stated that the OCC has approximately 300 cases and of that only 47 is over six months old. He also stated that he talked with the district attorney's office regarding functions of the OCC and will attempt to talk to the public defender's office.

PRESENTATION OF OCC 1995 YEAR END STATISTICAL REPORT

Lance Bayer presented the year end statistical report and stated that with more investigators assigned, he's looking at a 90 day goal to clear cases. He also discussed quick turnaround from receipt to disposition on cases.

Commissioner Medina asked how the impact of the matrix has affected OCC and commended OCC regarding case management.

Commissioner Norman discussed the diversity regarding interviewing candidates for investigators position.

PUBLIC COMMENTS

Larry Shockey, Local 790 Shopsteward for OCC, talked of a meeting with OCC personnel and Local 790. He discussed retaliation by Bayer if he spoke at the meeting. He also talked of confidentiality of letters delivered to the Commission.

Commissioner Medina recommended he and Commissioner Norman look into the matter and report back to the Commission at a later date.

Lavora Moore discussed eviction and trashing of her apartment.

Louise Vaugh discussed problems with police and complaint to the Commission and the OCC. She also discussed her complaints regarding Sgt. Jim Haggett and concerns regarding Alice Griffith housing projects area, problems with the police there.

Mary Vale discussed concerns regarding hiring interviews at OCC for investigators. She stated there should be input from the community.

Commissioner Keker then discussed discipline cases and scheduling of same and discussed concerns of parties being ready when dates are selected. He stated he was against recalendaring of hearings. If the attorneys are not ready, the would lose the case.

Thereafter, the meeting was adjourned at 7:35 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
THE POLICE COMMISSION
SATURDAY, FEBRUARY 24, 1996**

*** SPECIAL MEETING**

*Herbst Theater
401 Van Ness Avenue
San Francisco, California*

9:30 a.m. - 12:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

L.T. MANUEL BARRETTA
Secretary

**ORIENTATION – BOARDS AND COMMISSIONS
AN OVERVIEW OF THE LAWS, RULES AND ROLE**

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, FEBRUARY 28, 1996

POTRERO DISTRICT
Martin Luther King, Jr. Middle School Auditorium
350 Girard Street
San Francisco, CA

PUBLIC SESSION

6:00 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Report
 - a. Motion of Calendaring of New Items
4. Chief's Report to the Police Commission
5. OCC Director's Report to the Police Commission
6. Captain Sylvia Harper, Commanding Officer Potrero Station, to Address the Commission on Police Activities in the Potrero District
7. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

5
28/96

AN INVITATION

To the San Francisco Police Commission Meeting

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The New San Francisco Police Commission is meeting in our Community. This will be your opportunity to personally meet with them and express your concerns.

**Residents & Merchants!
Your voice is important !**

Please join us in meeting:

Commissioner John Keker, President
Commissioner Pat Norman, Vice President
Commissioner Clothilde Hewlett
Commissioner Jose Medina
Commissioner Douglas F. Wong

Martin Luther King, Jr. Middle School

Auditorium

350 Girard Street

Wednesday, February 28, 1996

6:00 p.m.

For further information contact Potrero Police
Station
(415) 553-1021

P45
#2
FEBRUARY 28, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Potrero District, at Martin Luther King, Jr. Middle School Auditorium, 350 Girard Street, San Francisco, at 6:05 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong

Commissioner Keker welcomed the audience, gave a brief description of what take place in a district meeting. He introduced Chief Lau and Director Lance Bayer of the OCC.

POLICE COMMISSION REPORT

No Police Commission report.

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CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau stated there is no formal report and welcomed the audience.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer described the duties and responsibilities of the OCC to the audience.

CAPTAIN SYLVIA HARPER, COMMANDING OFFICER POTRERO STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE POTRERO DISTRICT

Captain Harper presented the police activities in the district and described what activities are going on. She also introduced the students of the Good Marshall School who made a presentation regarding activities in the Potrero district.

Captain Harper then introduced Anthony Johnson who discussed resource center for people of public housing.

Officer Mike Mahoney discussed a grant for alcohol establishments investigation.

Officer Julie Lynch discussed community patrol and Officer Yolanda Williams discussed youth courts in the district.

PUBLIC COMMENTS

Sululagi Palego thanked the Chief and stated the district did not need anymore liquor licenses; supports community policing and discussed concerns about crimes.

May Tran thanked Captain Hettrich while he was captain of the Potrero and discussed concerns regarding OCC complaints and investigations.

Marlene Tran, resident Visitation Valley, discussed concerns regarding crime and assaults and discussed English as a second language in the schools.

Barbara Phillips, Visitation Valley, discussed her concerns regarding crime in the area.

Lavoria Moore discussed concerns regarding crime in the Alice Griffith Housing Project area and also police harassment.

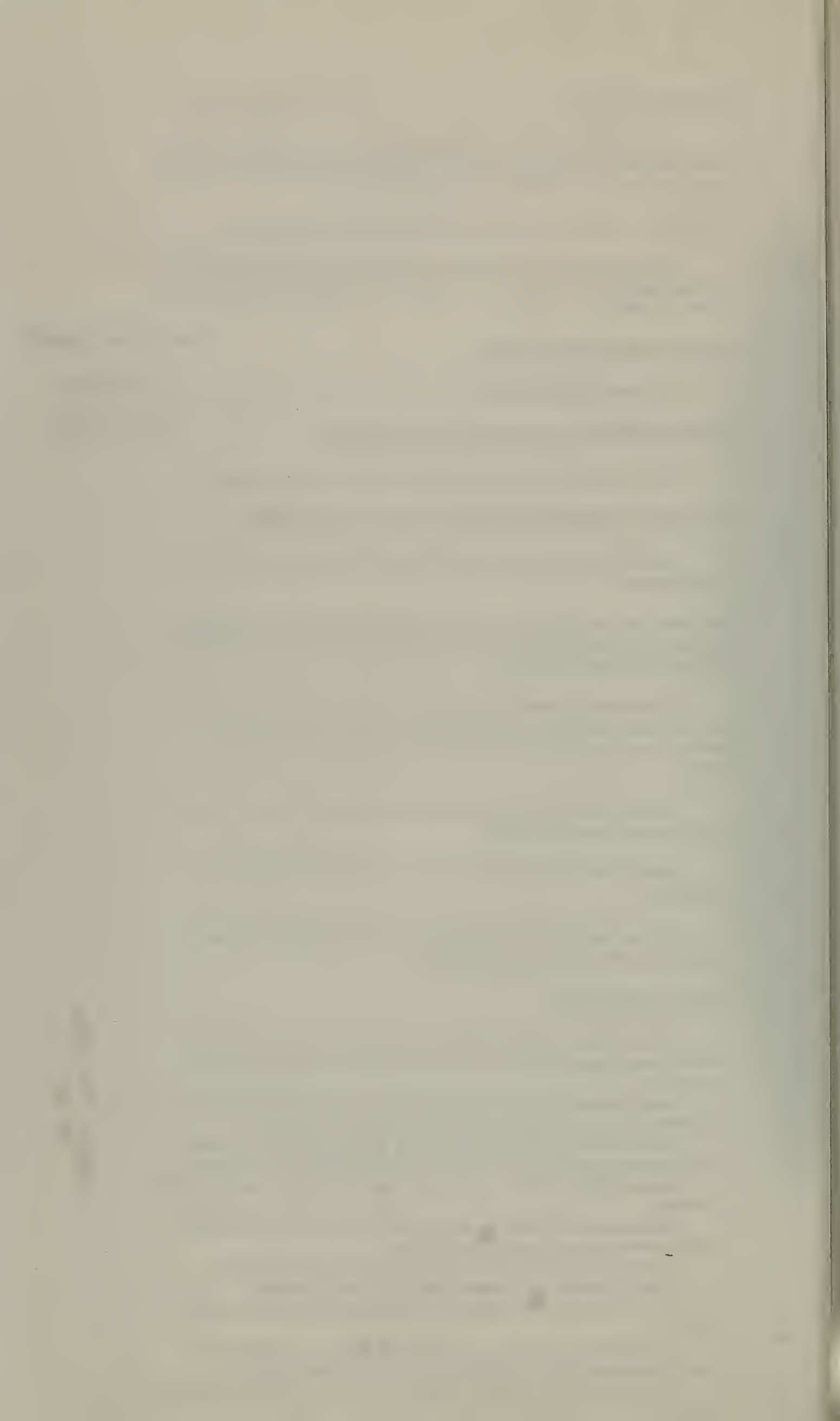
Louise Vaughn discussed concerns regarding actions of the police.

James Tracy discussed concerns regarding crime in the area.

Carol Manske discussed concerns regarding juvenile and actions of the police.

Ken Stevens, Sr. Escort worker, discussed concerns regarding Senior Escort Program and his mistreatment during his employment with them.

Edwin Stevens, resident Potrero Hill, discussed concerns regarding district



boundaries.

Callie Ward discussed seniors and abuse.

Greg Holmes thanked Officer Julie Lynch for effort regarding the community police.

Raymond Ting, resident, discussed concerns regarding crime on Muni buses.

Karen Pierce, resident, thanked Captain Harper for assistance and asked the Chief to support the citizens and identifying complainants.

John Ehrlich read a statement regarding OCC.

Thereafter, the meeting was adjourned at 8:10 p.m.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION





5/96

The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MARCH 6, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

CLOSED SESSION

ROOM 505-2
5:15 p.m.

Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:

- a. Guillermo Lopez v. CCSF, et al. Superior Court No. 952-731
- b. CCSF v. Glimidakis, Superior Court No. 963-377

PUBLIC SESSION

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
 - a. Motion of Calendaring of New Items
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Peter Ionin, Richmond Station (Case No. C0212-95 BSK)
7. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer John Propst, Traffic Division (Case No. C0581-95BSK)

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

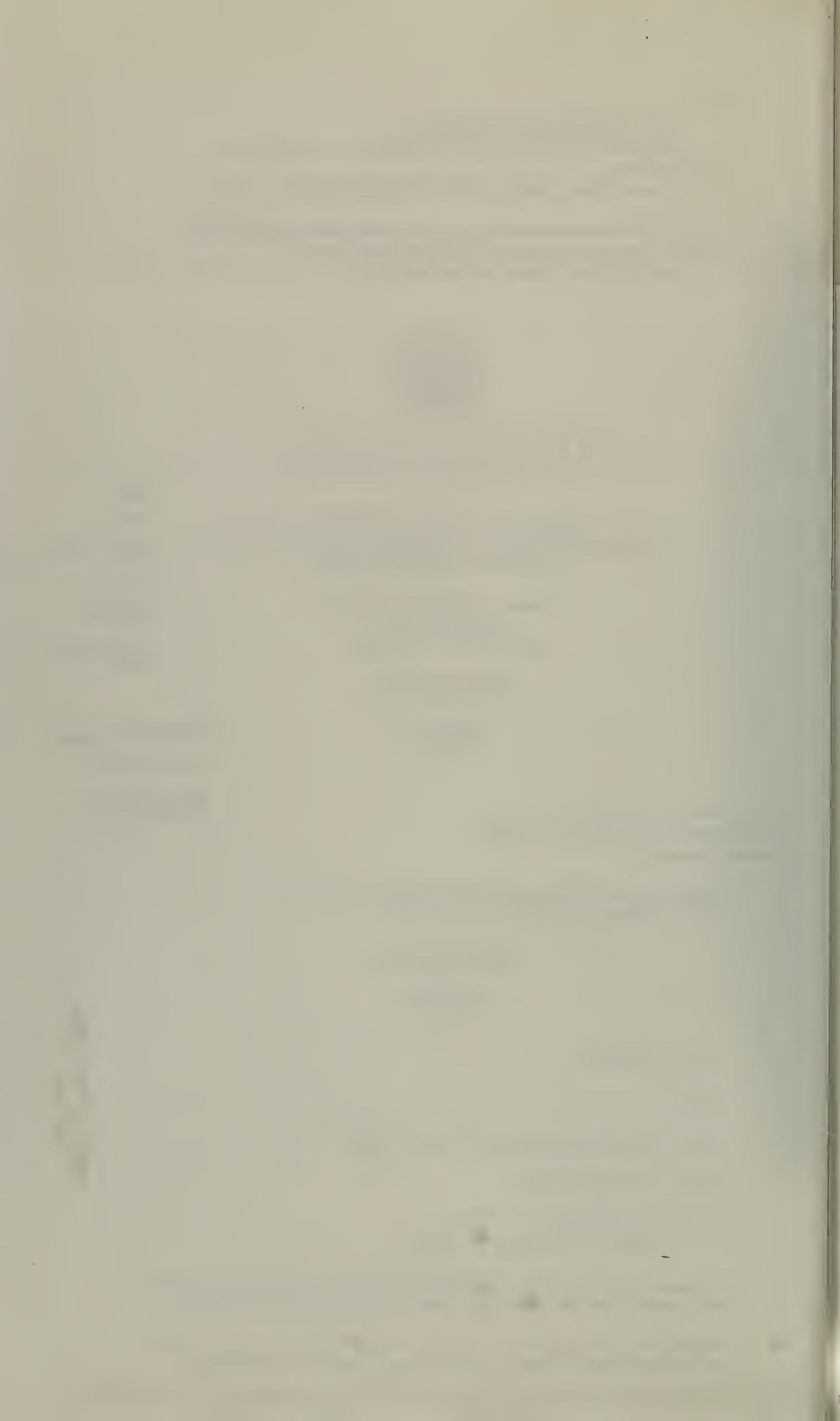
LT. MANUEL BARRETTA
Secretary

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, MARCH 6, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

8. Chief's Report to the Police Commission
9. OCC Director's Report to the Police Commission
10. Presentation by the Senior Action Network (SAN) Outlining SAN's History and Goals and the Resources that SAN can bring to Crime Prevention in our City
11. Discussion and Action re: General Order 1.01, "Organizational Structure"
12. Discussion and Action re: General Order 3.01, "Written Communication System"
13. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
14. PRE-HEARING CONFERENCE

938 Harrison Street
(Yalon et al.)

CONSENT CALENDAR

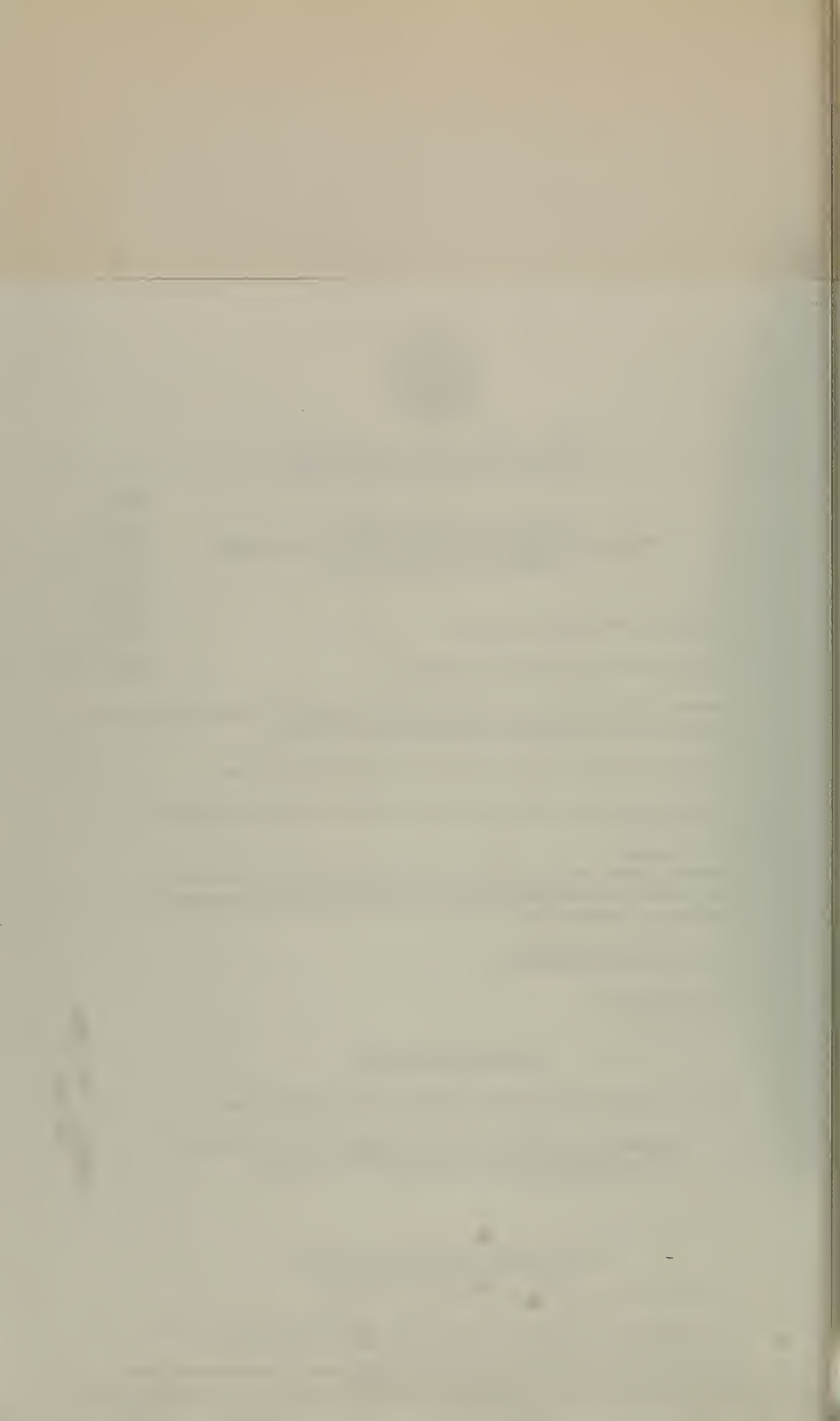
1. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Guillermo Lopez v. CCSF, et al. Superior Court No. 952-731, \$16,250.00
 - b. CCSF v. Glimidakis. Superior Court No. 963-377, \$40,000.00

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco Administrative Code)

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P45
#2
MARCH 6, 1996

Minutes
REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Hewlett, Medina

ABSENT: Commissioners Norman, Wong

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

Commissioner Keker stated that there was no closed session and the consent calendar and the closed session is recalendared for March 13th.

APPROVAL OF CONSENT CALENDAR

Put over to March 13th.

POLICE COMMISSION REPORT

Commissioner Keker asked calendar next week arbitration in disciplinary cases and stated various police officials will be invited to brief the Commission on arbitration cases. The public is invited for comments and also he welcomes organizations in an attempt to plan a seminar regarding arbitration with various representatives.

Commissioner Hewlett asked if the police department budget will be calendared for March 27th and that the status of the police boat be calendared for that date.

Commissioner Medina asked that public safety in the parks be calendared for discussion March 27th.

RESOLUTION NO. 41-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER PETER IONIN, RICHMOND STATION (FILE NO. C0212-95 BSK)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Peter Ionin, Richmond Station, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Ionin; therefore be it

RESOLVED, that Commissioner Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Peter Ionin and is to be set at a later date.

AYES: Commissioners Keker, Hewlett, Medina,
ABSENT: Commissioners Norman, Wong

RESOLUTION NO. 42-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER JOHN PROPST, TRAFFIC DIVISION, (FILE NO. C0581-95 BSK)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer John Propst, Traffic Division, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Propst; therefore

be it

RESOLVED, that Commissioner Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer John Propst and is to be set at a later date.

AYES: Commissioners Keker, Hewlett, Medina,
ABSENT: Commissioners Norman, Wong

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau informed the Commission that on March 12th, at 11:00 a.m., there will be a dedication and opening of the remodeled Taraval Station. He also stated that he received a letter from the US Attorney regarding an FBI investigation that was concluded regarding the Aaron Williams matter and there is no criminal culpability on behalf of members of the department. He also stated that this was separate from the administrative process and the administrative investigation and discipline process is still pending.

The Chief discussed demonstration that was held on Sunday, March 3rd, and he also plans a refresher course for supervisors in dealing with demonstrations as well as working with the OCC.

Deputy Chief Holder then briefed the Commission regarding the demonstration and reported to the Commission regarding the arrests and will review the department's actions and training will be prepared if necessary.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer stated that last week he addressed the Public Defender's office regarding OCC duties and responsibilities and the process regarding civilian complaints.

PRESENTATION BY THE SENIOR ACTION NETWORK (SAN) OUTLINING SAN'S HISTORY AND GOALS AND THE RESOURCES THAT SAN CAN BRING TO CRIME PREVENTION IN OUR CITY

Feather Twig Porter from USF presented the history and goals of Senior Action Network.

Charles Rathbone, Sr. Action Network, thanked the Commission for the opportunity to address them.

Mr. Virgil Herndon, Sr. Action Network, presented the goals and resources that the Sr. Action Network brings to the crime prevention in the city and also the efforts in assisting the police department in various areas. Mr. Herndon also asked the Commissioners to attend a general meeting April 11, from 10:00 a.m. to 12:00 p.m., at 1187 Franklin Street.

Mr. Richard Al presented invitations for that meeting.

Commissioner Keker asked that the individual Commissioners make an attempt to attend the meeting but that he was sure that at least one Commissioner would represent the Police Commission at that meeting.

DISCUSSION AND ACTION RE: GENERAL ORDER 1.01, "ORGANIZATIONAL STRUCTURE"

Chief Lau presented general order.

After discussion, motion by Commissioner Hewlett, second by Commissioner Medina. Approved 3-0

RESOLUTION NO. 43-96

ADOPTION OF REVISED GENERAL ORDER 1.01, "ORGANIZATIONAL STRUCTURE"

RESOLVED, that the Police Commission hereby adopts revised General Order 1.01, "Organizational Structure".

AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

DISCUSSION AND ACTION RE: GENERAL ORDER 3.01, "WRITTEN COMMUNICATION SYSTEM"

Chief Lau presented general order. Motion by Commissioner Medina, second by Commissioner Hewlett. Approved 3-0.

RESOLUTION NO. 44-96

ADOPTION OF REVISED GENERAL ORDER 3.01, "WRITTEN COMMUNICATION SYSTEM"

RESOLVED, that the Police Commission hereby adopts revised General Order 3.01, "Written Communication System".

AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

PUBLIC COMMENTS

Lynette Robinson, aunt of Aaron Williams, discussed concerns regarding the FBI's report.

Rose Brads discussed concerns regarding arrests in the demonstration held March 3rd.

Walter McNeer discussed concerns regarding arrests and police brutality at demonstration March 3rd.

William Anderson discussed concerns regarding actions of police March 3rd.

Monica addressed concerns regarding her arrest at the demonstration.

Rachel Letterman, National Lawyers' Guild, discussed concerns regarding actions of the police at demonstration.

Joe Hirschman, demonstrator, addressed concerns regarding actions of police.

Marcel Montoya discussed actions of police at demonstrations and that all charges be dropped.

Erica Sotos discussed actions of police, being assaulted and belongings taken.

Lenora Porter, cousin of Aaron Williams, discussed concerns regarding decision of FBI.

Keith McHenry, Food Not Bombs, discussed actions of police regarding sleeping in the park.

Van Jones, Lawyers' Committee for Civil Rights, discussed concerns regarding demonstration.

Gerard Koskovich discussed concerns, actions of police at 938 Harrison Street incident and asked the entire Commission to hear the case.

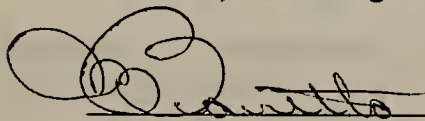
Amy Little, demonstrator, discussed actions of police March 3rd.

John Crew, ACLU, discussed concerns regarding actions of police at demonstration March 3rd. He further discussed training regarding citation issuance. He also discussed timely actions to events, records destruction of mug shots and fingerprints and false statements regarding investigation in reports.

PRE-HEARING CONFERENCE: 938 Harrison Street (Yalon et al.)

The Commission then met regarding prehearing conference 938 Harrison Street. Aaron Williams' prehearing is scheduled for April 2nd, at 5:30 p.m.

Thereafter, the meeting was adjourned at 8:45 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MARCH 13, 1996**

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

CLOSED SESSION

**ROOM 505-2
5:15 p.m.**

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

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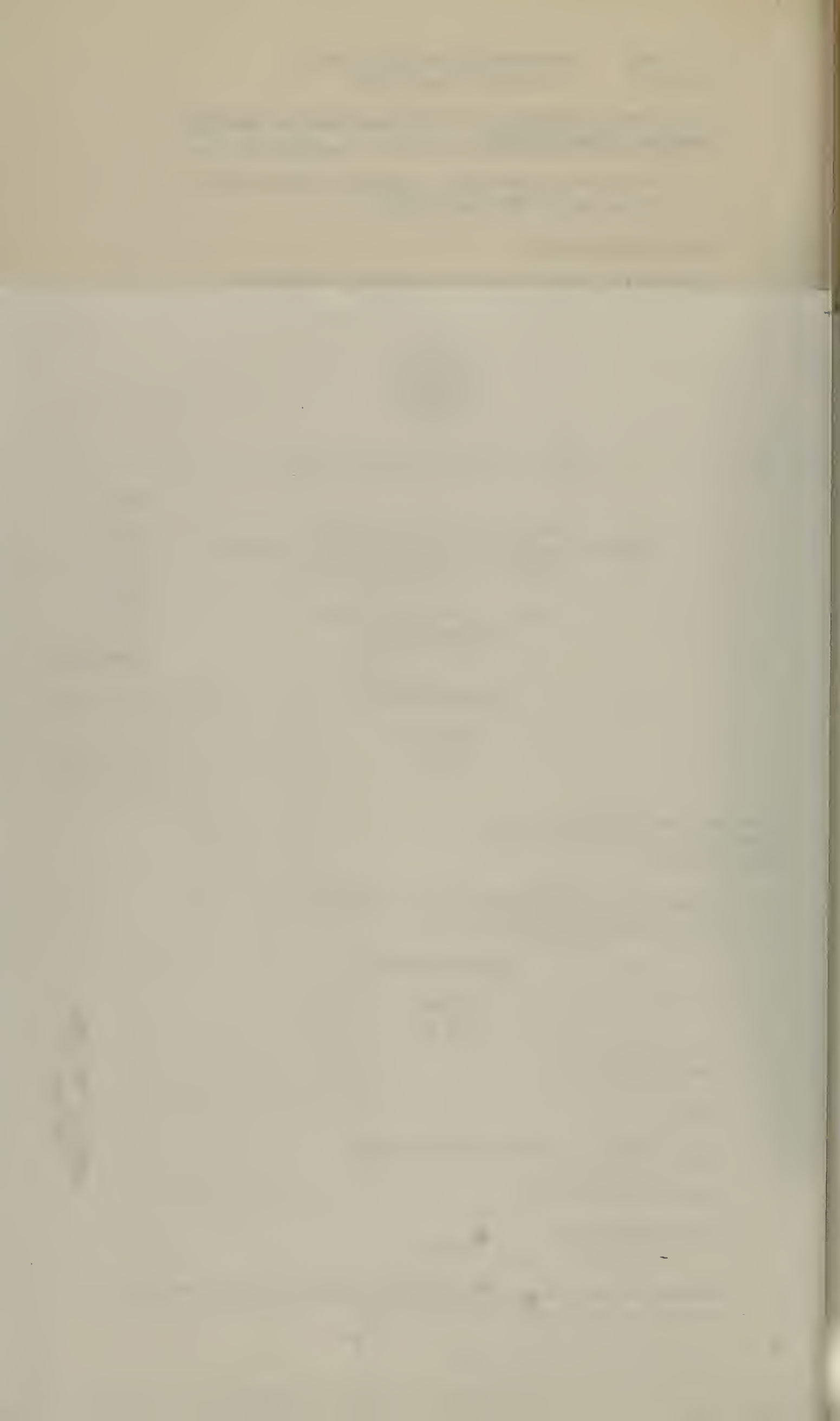
Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:

- a. Guillermo Lopez v. CCSF, et al, Superior Court No. 952-731
- b. CCSF v. Glimidakis, Superior Court No. 963-377

PUBLIC SESSION

**ROOM 551
5:30 p.m.**

- 1. Pledge of Allegiance
- 2. Roll Call
- 3. Vote on Whether to Disclose Closed Session Discussion
- 4. Approval of Consent Calendar
- 5. Police Commission Report
 - a. Motion of Calendaring of New Items
- 6. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Ena C. Ferdinand, Support Services (File No. C56-011 RLC)
- 7. Chief's Report to the Police Commission





The Police Commission
CITY AND COUNTY OF SAN FRANCISCO
CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MARCH 13, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

8. OCC Director's Report to the Police Commission
9. Informational Hearing on Use of Arbitration in Police Disciplinary Cases
10. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
11. Hearing on Charges Filed Against Officer Daniel D. O'Shea, Southern Station
(File No. C56-156 RLC)
12. Hearing on Charges Filed Against Officer Albert N. Lee, Support Services
(File No. C45-212 RLC)
13. Hearing on Charges Filed Against Officer Anthony M. Oakley, Potrero Station
(File No. C56-021 RLC)

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Guillermo Lopez v. CCSF, et al., Superior Court No. 952-731, \$16,250.00
 - b. CCSF v. Glimidakis, Superior Court No. 963-377, \$40,000.00
2. Request of the Chief of Police for Approval to Accept a Boat Motor from the United States Coast Guard to be used for the San Francisco Police Boat
3. Request of the Chief of Police for Approval of Taxicab Owner's Permits for the following:
 - a. Mr. Warren K. Brunt
 - b. Mr. Laurence E. Schwartz

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(Chapter 67 of the San Francisco Administrative Code)

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MARCH 13, 1996

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, in Closed Session.

Government Code Section 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:

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- a. Guillermo Lopez v. CCSF, et al., Superior Court No. 952-731
\$16,250.00
- b. CCSF v. Glimidakis, Superior Court No. 963-377, \$40,000.00

PRESENT: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

MARCH 13, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

The Commission voted not to disclose their discussion in closed session.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 49-96

GUILLERMO LOPEZ v. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Guillermo Lopez v. CCSF, et al" in San Francisco Superior Court No. 952-731 for damages sustained, be, and the same is hereby approved.

Date of Incident: January 21, 1993

AYES: Commissioners Keker, Norman, Hewlett, Medina,
ABSENT: Commissioner Wong

RESOLUTION NO. 50-96

CCSF vs. GLIMIDAKIS

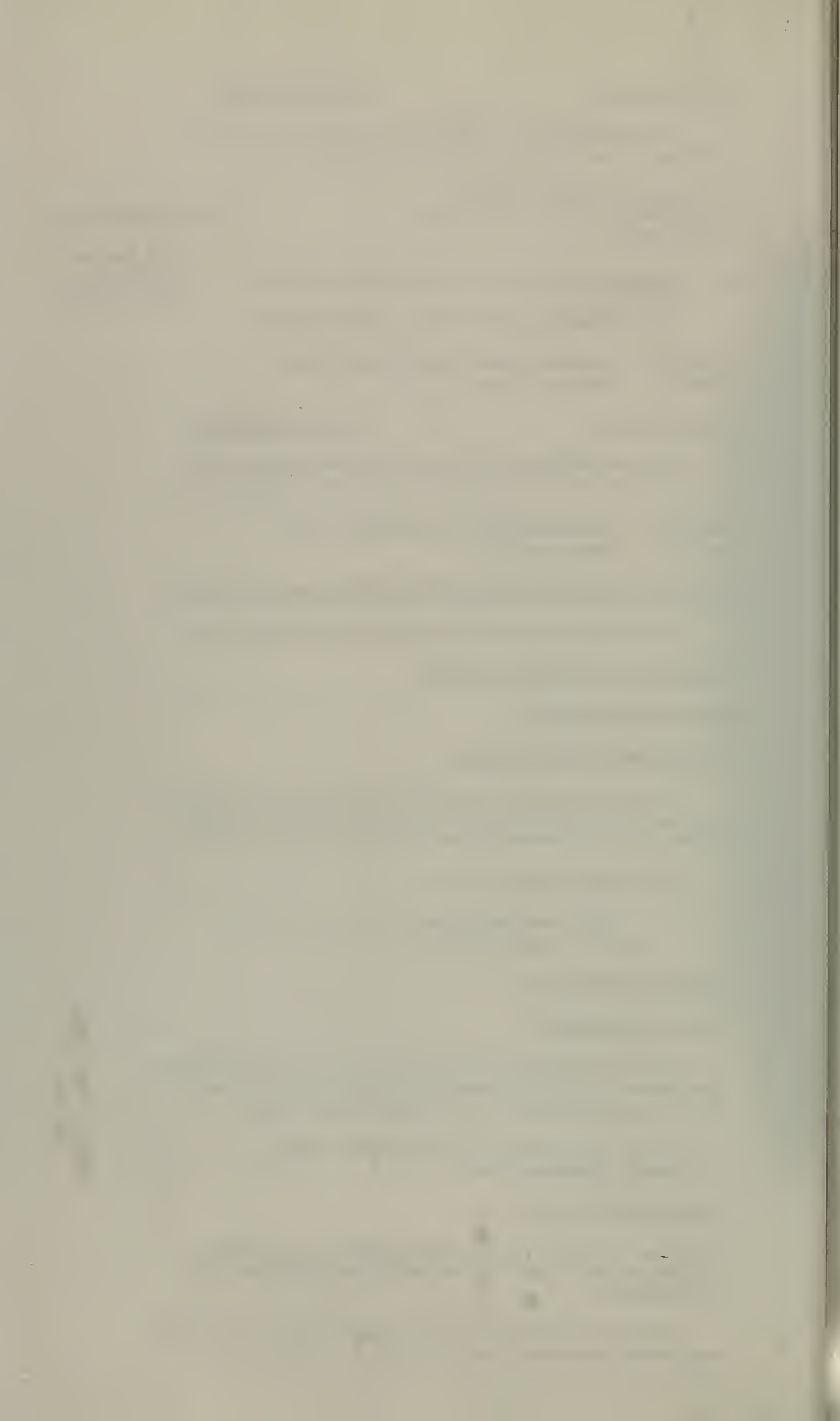
RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "CCSF vs. Glimidakis" in San Francisco Superior Court No. 963-377 for damages sustained, be, and the same is hereby approved.

AYES: Commissioners Keker, Norman, Hewlett, Medina,
ABSENT: Commissioner Wong

RESOLUTION NO. 51-96

APPROVAL TO ACCEPT A BOAT MOTOR FROM THE UNITED STATES COAST GUARD TO BE USED FOR THE SAN FRANCISCO POLICE BOAT

RESOLVED, that the Police Commission hereby approves to accept a boat motor from the United States Coast Guard valued at less than four thousand dollars.



AYES: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

RESOLUTION NO. 52-96

APPROVAL OF TAXICAB OWNER'S PERMITS FOR MR. WARREN K. BRUNT AND MR. LAURENCE E. SCHWARTZ

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that the above named individuals, based on their applications and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permits shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and are hereby granted to Warren K. Brunt and Laurence E. Schwartz.

AYES: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

POLICE COMMISSION REPORT

Commissioner Hewlett asked that the issue regarding settlements of cases and officer discipline in conjunction with same be calendared for March 27th.

Commissioner Keker then asked calendaring of discipline hearing regarding 938 Harrison Street be scheduled the weeks of September 9th, 2:00 p.m. to 8:00 p.m., week of September 16th, 2:00 p.m. to 8:00 p.m., with Friday, September 13th from 2:00 p.m. to 6:00 pm. Total of 58 hours. He then asked Commission Wong to review the civilianization recommendations of the department and the Commission.

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE ON CHARGES FILED AGAINST OFFICER ENA C. FERDINAND, SUPPORT SERVICES (FILE NO. C56-011 RLC)

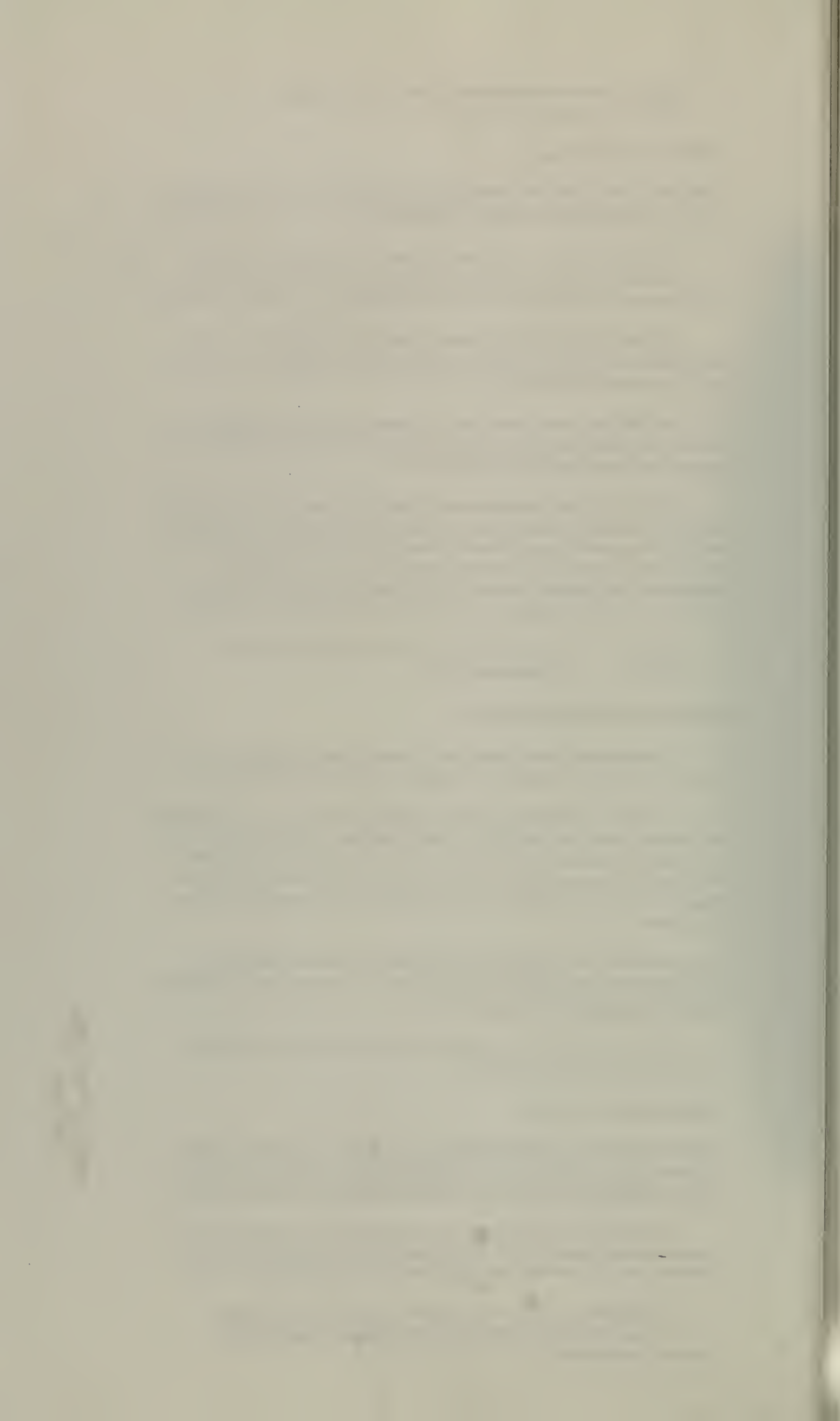
Richard Corriea for the department, Randy Knox for Officer Ferdinand.
Conference set March 27th, 4:30 p.m.

RESOLUTION NO. 47-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER ENA C. FERDINAND, SUPPORT SERVICES (FILE NO. C56-011 RLC)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Ena C. Ferdinand, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Ferdinand; therefore be it



RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Ena C. Ferdinand and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina,
ABSENT: Commissioner Wong

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau briefed the Commission on home invasion robberies in which Inspector Gary Jiminez investigated and made arrests which included 27 felony charges.

Commissioner Keker congratulated the officers for their efforts and the arrests of the persons responsible.

Deputy Chief Willett briefed the Commission on Operation Hardstone involving narcotic activities in the housing projects and stated 13 arrests made and also Federal indictments.

The Chief then briefed the Commission on demonstration held March 3rd and the department is discussing the matter with the District Attorney's office and discussed possible training regarding future demonstrations.

Commissioner Hewlett commended the Chief and the Department for the proactive approach to the demonstration and dealing with the community and meeting on various issues.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer stated he'll be out of town March 22nd and John Parker will be in charge of the officer during his absence.

HEARING ON CHARGES FILED AGAINST OFFICER DANIEL D. O'SHEA, SOUTHERN STATION (FILE NO. C56-156 RLC)

Taken out of order.

HEARING OF POLICE OFFICER DANIEL D. O'SHEA, SOUTHERN STATION (FILE NO. C56-156 RLC)

The hearing of Police Officer Daniel D. O'Shea, Southern Station, was called it having been set for this date. Officer O'Shea was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

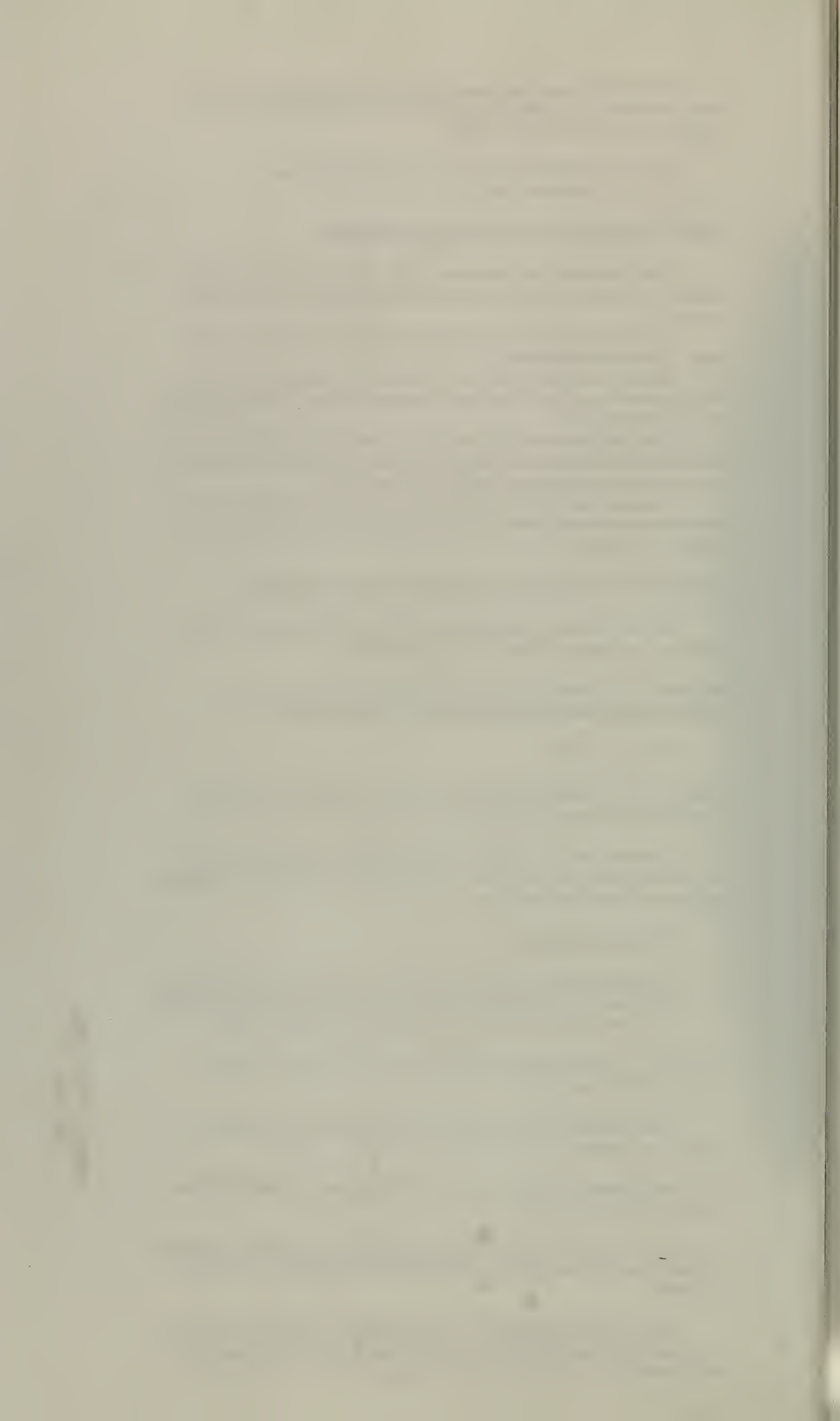
in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Officer Daniel D. O'Shea appeared in person and was represented by Mr. Jim Collins, Attorney at Law.

Mr. Richard L. Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Collins entered a plea of no contest on Specification No. 1 on behalf of Officer O'Shea. Officer O'Shea personally affirmed entry of a no contest plea in this matter.

Based on Officer O'Shea's plea of no contest, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Officer O'Shea be suspended for thirty (30) days, twenty



(20) days held in abeyance for two years; ten (10) days to be imposed and enrollment in the Department's 11.11 program.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 48-96

DECISION - HEARING OF OFFICER DANIEL D. O'SHEA, SOUTHERN STATION (FILE NO. C56-156 RLC)

WHEREAS, on January, 1996, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Daniel D. O'Shea, as follows:

SPECIFICATION NO. 1

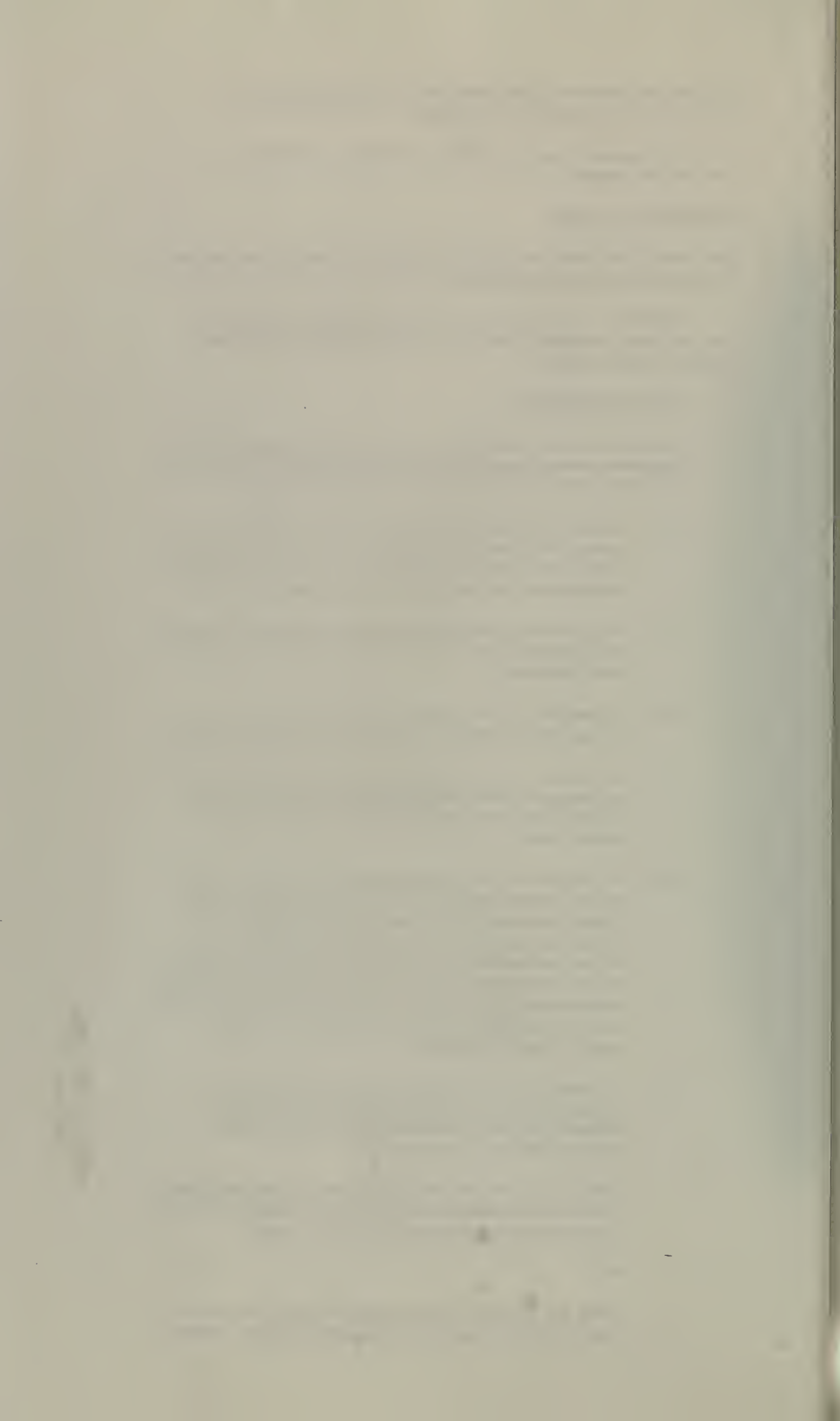
Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned, Officer Daniel D. O'Shea, Star Number 1988, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Field Operations Bureau, Southern Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On December 20, 1995, the accused was off-duty driving his personal vehicle eastbound on Interstate 80 in Oakland, California;
- (4) On December 20, 1995, at approximately 0005 hours, the accused was driving his vehicle on Interstate 80 at a speed excessive for conditions and consequently drove his vehicle into the rear of another vehicle;
- (5) On December 20, 1995, at approximately 0020 hours, an officer with the California Highway Patrol arrived at the location of the collision on Interstate 80 and conducted an investigation. The investigating officer noted that the accused was unsteady on his feet, had red and water eyes, and had the strong odor of alcoholic beverage on his breath. The officer administered field sobriety tests to the accused and, based on said tests, concluded that the accused was under the influence of alcoholic beverages and unable to operate a motor vehicle safely;
- (6) On December 20, 1995, at approximately 0040 hours, the investigating officer arrested the accused for driving under the influence of alcohol, a violation of section 23152(a) of the California Vehicle Code, which states:

"23152. (a) It is unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle.

and

23152. (b) It is unlawful for any person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle ...
"



- (7) On December 20, 1995, at approximately 0200 hours, the accused was taken to Alta Bates Hospital in Oakland, California, where a sample of blood was drawn to test for alcohol in his blood. Subsequent testing of the blood sample indicated a positive finding for Ethanol at a lever of %0.24;
- (8) The accused, by operating a motor vehicle on a public highway while under the influence of alcoholic beverages, has engaged in conduct of a criminal nature which is punishable as a misdemeanor under sections 23152(a) and 23152(b) of the California Vehicle Code, has engaged in conduct which violates Rule 9 of General Order 2.01 of the San Francisco Police Department, which states:

"9. Misconduct. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 13, 1996, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer O'Shea's plea of no contest, the Commission finds that the allegations contained in Specification No. 1, as preferred by Chief Fred H. Lau against Officer Daniel D. O'Shea are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain - Thirty (30) days suspension; twenty (20) days suspension held in abeyance for two years, ten (10) days served. Enrollment in the Department's 11.11 program.

FURTHER RESOLVED, that said ten (10) days suspension shall commence at 0001 hours on Saturday, March 30, 1996 and terminate at 2400 hours on Monday, April 8, 1996.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

INFORMATIONAL HEARING ON USE OF ARBITRATION IN POLICE DISCIPLINARY CASES

Lieutenant Edmund Pecinovsky addressed the Commission regarding

arbitration and Assistant Chief Alan Wolochuk, Highway Patrol, briefed the Commission and described their process of arbitration.

Wendy Rouder, Deputy City Attorney Oakland, briefed the Commission on their arbitration system.

Captain Phil Dorn, Berkeley PD, briefed the Commission on their process of arbitration.

Jim Harrigan, Attorney for Sheriff Hennessey, Sheriff's Department, presented their arbitration process.

Sergeant Tuck Younis, San Jose PD, briefed the Commission on their arbitration process.

Commissioner Keker then thanked the persons for their input regarding arbitration.

PUBLIC COMMENTS

John Crew, ACLU, supports due process and he discussed various arbitration processes.

Commissioner Keker asked Commissioner Norman to organize further arbitration discussion.

Patricia Tolog discussed concerns regarding arbitration and concerns regarding Aaron Williams' case.

Peter Cohn, San Francisco NAACP, discussed concerns on police discipline and arbitration and stated NAACP is against arbitration and requested strengthening OCC and read a statement.

Mr. John Ehrlich discussed concerns regarding fairness in arbitration.

Joey Cain discussed concerns regarding 938 Harrison case and expressed concerns regarding arbitration.

Ralph Jacobsen discussed concerns regarding independent cab medallions and leasing of medallions.

HEARING ON CHARGES FILED AGAINST OFFICER ALBERT N. LEE, SUPPORT SERVICES (FILE NO. C45-212 RLC)

Over to March 23rd.

HEARING ON CHARGES FILED AGAINST OFFICER ANTHONY M. OAKLEY, POTRERO STATION (FILE NO. C56-021 RLC)

Over to April 3rd.

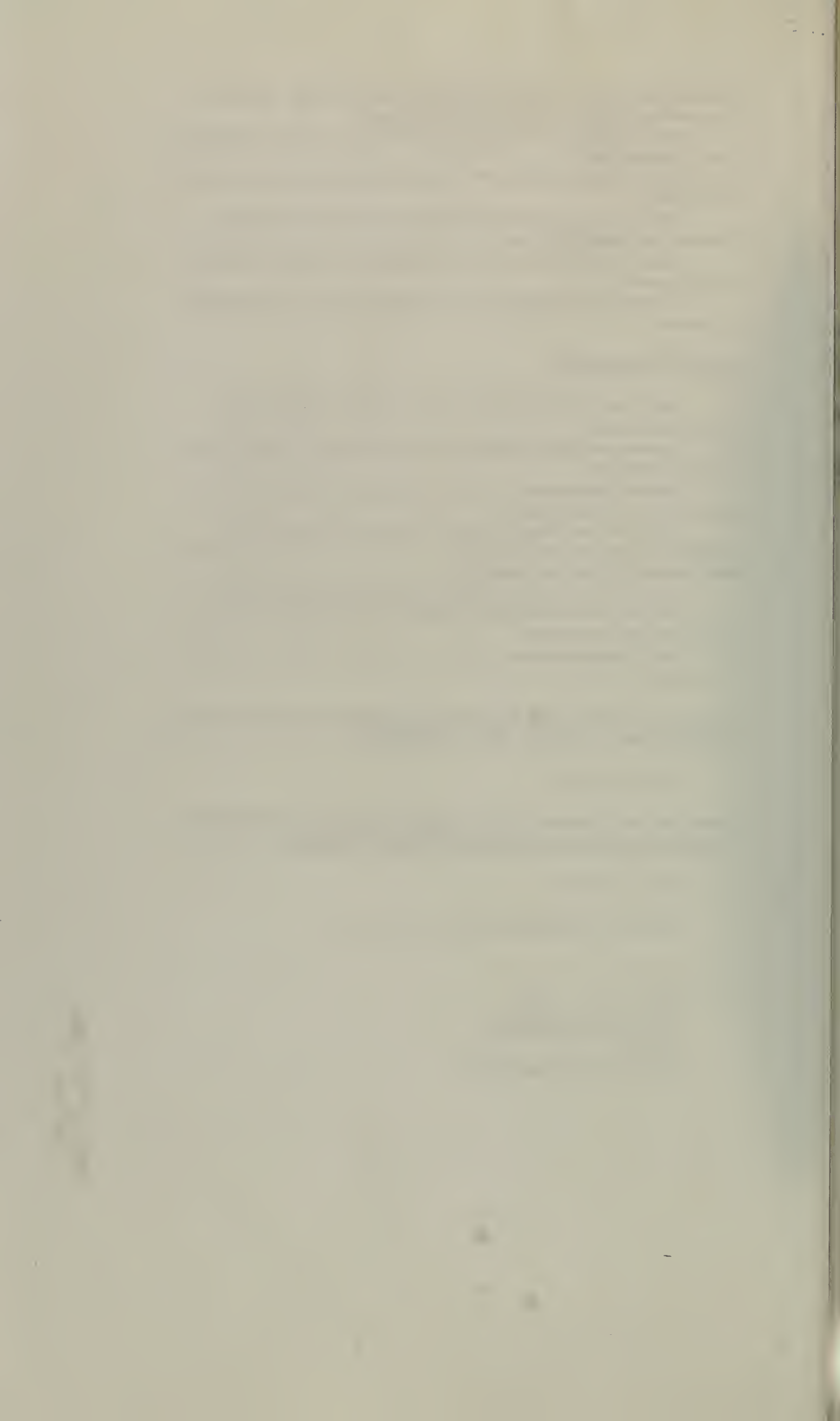
Thereafter, the meeting was adjourned at 8:25 p.m.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION





20/96

The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MARCH 20, 1996

MISSION DISTRICT
Mission Station
Ray Benson Community Room
630 Valencia Street
San Francisco, CA 94110

6:00 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
 - a. Motion of Calendaring of New Items
5. Chief's Report to the Police Commission
6. OCC Director's Report to the Police Commission
7. Presentation of January 1996 OCC Statistical Summary
8. Captain Croce Casciato, Commanding Officer Mission Station, to Address the Commission on Police Activities in the Mission District
7. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)





The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MARCH 20, 1996**

CONSENT CALENDAR

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Request for Approval to Accept Seventy-five (75) GTE/Mobilnet Pagers from GTE/Mobilnet, to be Utilized for Citizen Patrols and Community Policing

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)**

Government's duty is to serve the public, reaching its decisions in full view of the public.

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415 558 5447

5
20/96
-14' 96 (THU) 15:25 SFPD MISSION STATION

TEL: 415 558 5447

P. 001

AN INVITATION

To The San Francisco Police Commission Meeting

The new San Francisco Police Commission is meeting in our community. This will be your opportunity to personally meet with them and express your concerns.

Residents & Merchants!
Your voice is important!

DOCUMENTS DEPT.

MAR 25 1996

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Please join us in meeting
Wednesday 3/20/96 6:00 p.m.

Commissioner John Keker, President
Commissioner Pat Norman, Vice President
Commissioner Clothilde Hewlett
Commissioner Jose Medina
Commissioner Douglas F. Wong

Mission Police Station
Ray Benson Community Room
630 Valencia Street
San Francisco, CA 94110

P45
#2
MARCH 20, 1996

minutes
REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Mission District, at Mission Station, Ray Benson Community Room, 630 Valencia Street, San Francisco, at 6:00 p.m., in a Regular Meeting.

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PRESENT: Commissioners Norman, Hewlett, Medina, Wong
ABSENT: Commissioner Keker

JUL 29 1996

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Commissioner Norman welcomed the audience and introduced Captain Casciato, Commanding Officer Mission Station. She also introduced Assistant Chief Sanders. Commissioners Hewlett, Medina and Wong also greeted the audience.

CAPTAIN CROCE CASCIATO, COMMANDING OFFICER MISSION STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE MISSION DISTRICT

Taken out of order.

Captain Casciato addressed the Commission and the audience regarding activities in the Mission District and discussed an arrest by Officer Ray Guerrero of drug sale suspects in the district. He also discussed various concerns regarding prostitution problem.

Commissioner Norman introduced the Command Staff, the OCC Director and also Barbara Attard and Bruce Kapsack of the OCC. She also introduced Deputy Chiefs Holder, Willett and Welch and she introduce Linda Ross from the City Attorney's Office.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Medina, second by Commissioner Hewlett.
Approved 4-0.

RESOLUTION NO. 53-96

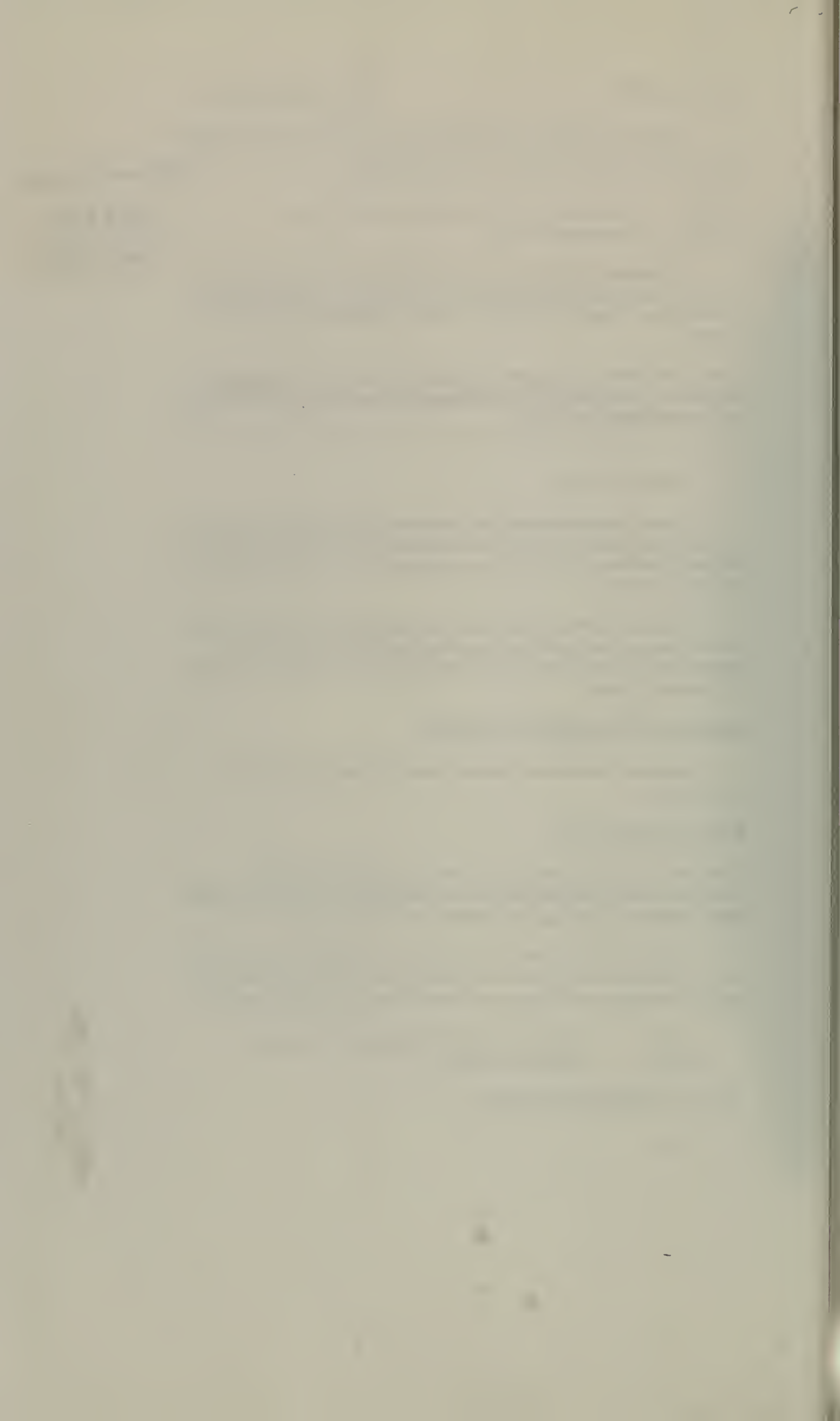
APPROVAL TO ACCEPT DONATION OF SEVENTY-FIVE (75) GTE/MOBILNET PAGERS FROM GTE/MOBILNET, TO BE UTILIZED FOR CITIZEN PATROLS AND COMMUNITY POLICING

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of seventy-five (75) GTE/Mobilnet Pagers from GTE/Mobilnet, to be utilized for Citizen Patrols and Community Policing.

AYES: Commissioners Norman, Hewlett, Medina, Wong
ABSENT: Commissioner Keker

POLICE COMMISSION REPORT

None



Commissioner Medina then asked to be notified of any demonstrations when they occur.

Assistant Chief Sanders stated that community policing is in full force and the department is making good progress with the community.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

AND

PRESENTATION OF JANUARY 1996 OCC STATISTICAL SUMMARY

Director Lance Bayer briefed the audience on the duties and responsibilities of the OCC and also presented the 1996 Statistical Summary. He also discussed large number of cases closed in January due to the delay because of the holidays in December.

Commissioner Hewlett then asked Director Bayer to brief the Commission on the OCC backlog at the next regular meeting.

PUBLIC COMMENTS

Bill Checheau discussed low riders and juvenile problems in the district.

Rita Alvaeu discussed low riders and walk in the district with the Chief and Captain in the Mission District on March 22nd.

Ross Gordon discussed concerns regarding crime at 25th and Shotwell and the number of liquor licenses in the district.

Bill Hoover, President of Merchants Association, discussed present general orders and limitations on officers regarding obstruction of sidewalks.

Art Evans, resident Haight Ashbury, discussed concerns regarding General Order 5.03 and 6.11 and asked for improvements.

Andy Solo, resident Mission District, discussed drinking in public on 21st and Shotwell.

Karen Kromie, Haight Ashbury, discussed letter to President Keker regarding meeting on obstruction of sidewalks.

Nancy Fields, Attorney, discussed concerns regarding financial abuse of the elderly.

Gene Malboro discussed financial abuse of the elderly.

Jim Keefer, Mission resident, discussed prosecution of criminal cases by the District Attorney's office.

Connie Wilke, resident, discussed drug activities on 25th, 26th and Shotwell area.

John Jenkyl discussed permit problems regarding horse drawn carriages.

Thereafter, the meeting was adjourned at 8:00 p.m.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MARCH 27, 1996**

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

PUBLIC SESSION

**ROOM 551
5:30 p.m.**

AMENDED

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLITT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARUFFITA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
 - a. Motion of Calendaring of New Items
5. Assignment of Commissioner and Setting of Date on Charges Filed Against Patrol Special Officer Michael Reyes (File Nos. C056-077 & C056-137 JWA)
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Presentation of February 1996 OCC Statistical Summary
9. Request of the Chief of Police for Supplemental Appropriation of Funds to be Used for the Emergency Interim CAD Project
10. Discussion and Action re: Review of Officer Discipline in Conjunction with Settlement of Cases

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MAR 22 1996

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, MARCH 27, 1996

JOHN KIKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT MANUEL BARRETTA
Secretary

11. Report re: San Francisco Police Boat Patrol
12. Discussion re: Public Safety in the Park
13. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
14. Disposition Hearing on Charges Filed Against Officer Albert N. Lee, Support Services (File No. C45-212 RLC)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval of Expenditures from the Chief's Contingent Fund for the Months of December 1995, January 1996, and February 1996
2. Request of the Chief of Police for Approval to Execute Hold Harmless Agreement as Authorized by San Francisco Administrative Code Section 1.25 for the Loan of Vehicles

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.



PLEASE NOTE:

"Safety in the Parks" will not be on the agenda for the March 13th Police Commission Meeting. It will be on the agenda for the meeting on March 27th, at 5:30 pm, at 850 Bryant St, 5th floor, SF. To verify please call the Police Commission Secretary, Lt Beretta, at 553-1667.

6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Presentation of February 1996 OCC Statistical Summary
9. Request of the Chief of Police for Supplemental Appropriation of Funds to be Used for the Emergency Interim CAD Project
10. Discussion and Action re: Proposed SFPD Fiscal Year 96/97 Budget
11. Discussion and Action re: Review of Officer Discipline in Conjunction with Settlement of Cases

MAR. -22' 96 (FRI) 16:02 POLICE COMMISSION

TEL: 415 553 1669

P. 003



2. Request of the Chief of Police for Approval to Execute Hold Harmless Agreement as Authorized by San Francisco Administrative Code Section 1.25 for the Loan of Vehicles

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THOMAS J. CANNELL HALL OF JUSTICE, 333 BRYANT ST., RM. 302, SAN FRANCISCO, CA 94104 (415) 553-1669 FAX (415) 553-1669

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#1
3/27/96



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MARCH 27, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

ROOM 551
5:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

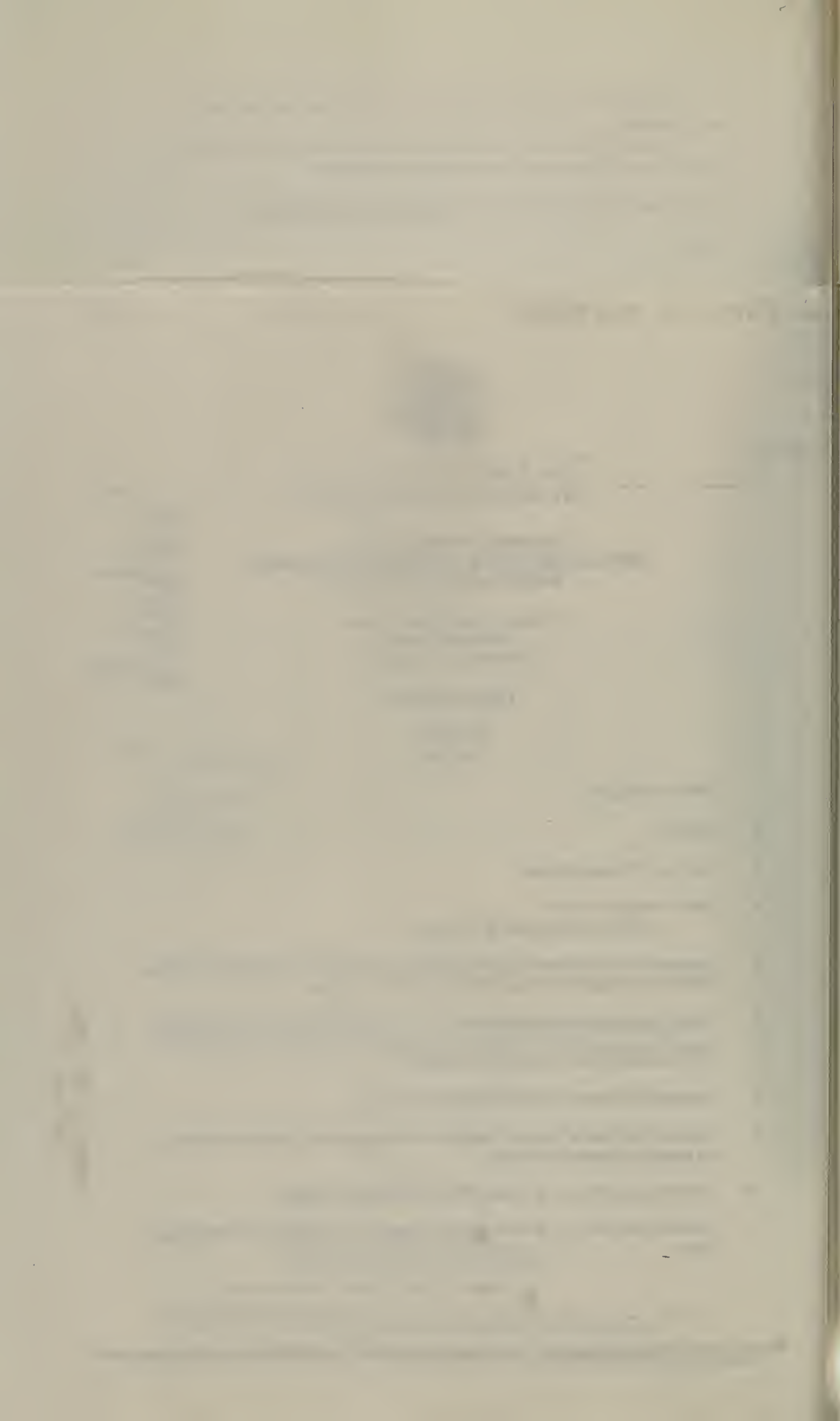
DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
 - a. Motion of Calendaring of New Items
5. Assignment of Commissioner and Setting of Date on Charges Filed Against Patrol Special Officer Michael Reyes (File Nos. C056-077 & C056-137 JWA)
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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, MARCH 27, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT MANUEL BARRETTA
Secretary

12. Report re: San Francisco Police Boat Patrol
13. Discussion re: Public Safety in the Park
14. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
15. Disposition Hearing on Charges Filed Against Officer Albert N. Lee, Support Services (File No. C45-212 RLC)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval of Expenditures from the Chief's Contingent Fund for the Months of December 1995, January 1996, and February 1996
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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669



THE UNIVERSITY OF CHICAGO

OFFICE OF THE DEAN OF THE FACULTY
540 EAST 58TH STREET, CHICAGO, ILL. 60637

TO THE FACULTY
FROM THE DEAN
DATE

RE: [illegible]

[illegible]

[illegible]

[illegible]

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P45
#2

MARCH 27, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong DOCUMENTS DEPT.

APPROVAL OF CONSENT CALENDAR

JUL 29 1996

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RESOLUTION NO. 57-96

**APPROVAL OF REPORT OF EXPENDITURES FROM THE CHIEF'S
CONTINGENT FUND FOR THE MONTHS OF DECEMBER 1995,
JANUARY 1996, AND FEBRUARY 1996**

RESOLVED, that the Police Commission hereby approves Report of Expenditures from the Chief's Contingent Fund for the months of December 1995, January 1996, and February 1996.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION 58-96

**APPROVAL FOR EXECUTION OF HOLD HARMLESS AGREEMENT
AS AUTHORIZED BY SAN FRANCISCO ADMINISTRATIVE CODE
SECTION 1.25 FOR THE LOAN OF VEHICLES**

WHEREAS, the City is in need of vehicles for use by its investigative units; and

WHEREAS, there is an immediate and urgent need to utilize vehicles; and

WHEREAS, the City is not able to otherwise obtain vehicles; and

WHEREAS, Pick Your Parts (dba The City Tow), represents itself ready and is willing to loan the City "lien clear" vehicles free of charge for periods of up to 120 days; and

WHEREAS, San Francisco Administrative Code Section 1.25 authorizes the Police Commission to execute a hold harmless agreement with the lender; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco approves the loan of vehicles from Pick Your Parts (dba The City Tow) to the Police Department and authorizes the Police Commission Secretary to execute the attached agreement.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

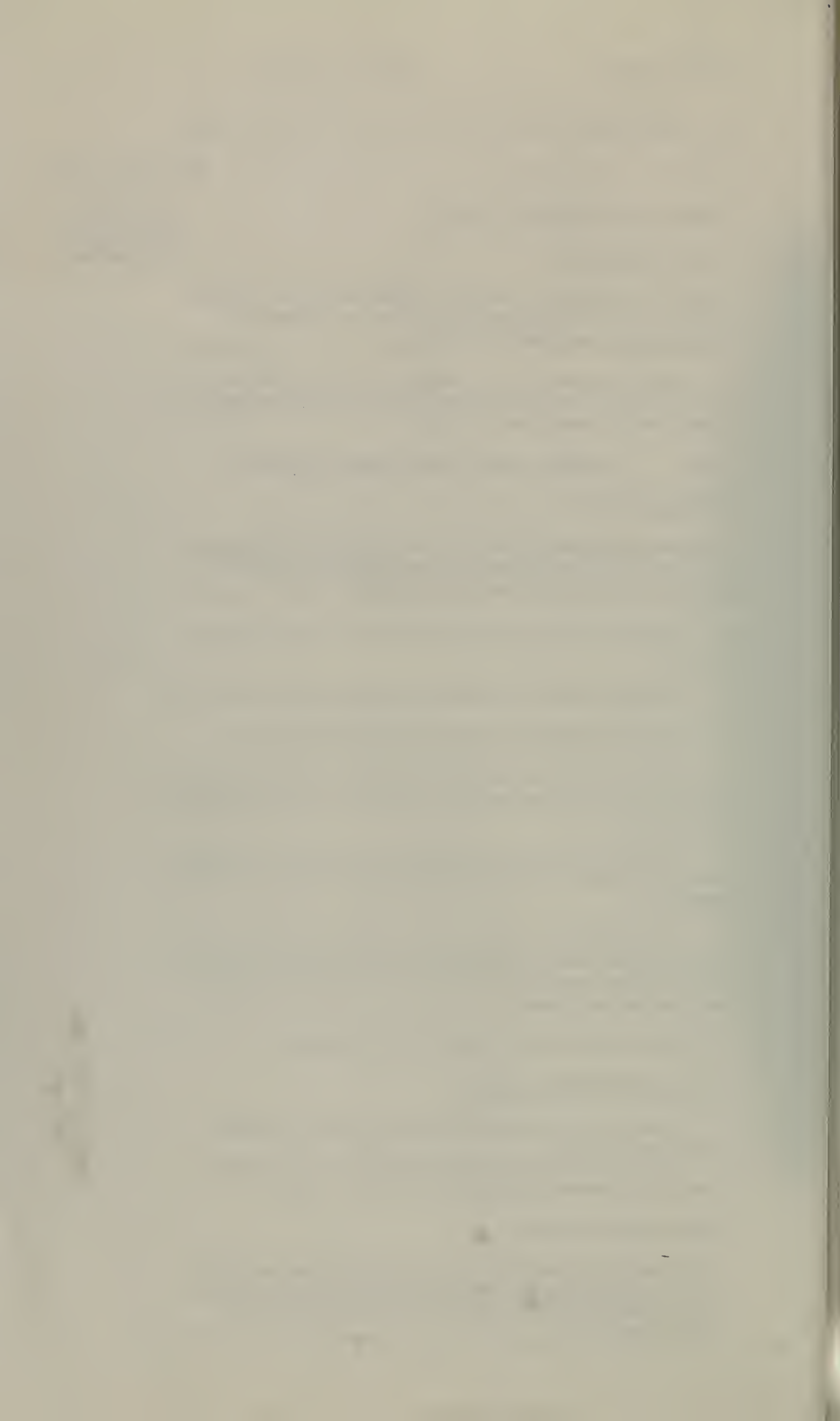
POLICE COMMISSION REPORT

Commissioner Norman stated that arbitration seminar is tentatively scheduled for April 17th.

Commissioner Hewlett discussed the Easter Egg Hung conducted by Operation Dream scheduled for April 6th, 11:00 a.m. to 2:00 p.m.

RESOLUTION NO. 54-96

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR
TAKING OF EVIDENCE ON CHARGES FILED AGAINST PATROL
SPECIAL OFFICER MICHAEL REYES (FILE NOS. C056-077 &
C056-137 JWA)**



WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Michael Reyes was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Michael Reyes; therefore be it

RESOLVED, that Commissioner Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Michael Reyes and is to be set at a later date.

AYES: Commissioners Kecker, Norman, Hewlett, Medina, Wong

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau discussed use of helicopters and recommended Deputy Chief Holder access community input regarding use of helicopters. Chief Lau also discussed the major drug arrests in the Mission District and Deputy Chief Holder brief the Commission that in response to citizens' concern in the district meeting on March 20th regarding 24th and Folsom that an arrest was made and 1 1/2 kilo of cocaine, \$18,000 in cash was seized.

The Chief also indicated that he and Deputy Chief Willett will meet with Korean American Community and discuss policing in the area.

The Chief also discussed the memorial dedication of the 280 freeway Hanging Gardens for Commander Isiah Nelson which was scheduled for April 14th.

Chief Lau indicated that Assistant Chief Sanders was going to travel to Southern California to look at new 911 facility and the Chief further indicated that the 184th Academy class was sworn in yesterday.

The Chief discussed Board of Supervisors' resolution 196-96 and stated that Chief Sanders would respond in writing.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Lance Bayer, OCC Director, stated that supplemental budget request is calendared for committee meeting at the Board of Supervisors for April 3rd.

PRESENTATION OF FEBRUARY 1996 OCC STATISTICAL SUMMARY

Director Lance Bayer presented the statistics for February and asked that the status of arbitration be calendared for May 1st.

REQUEST OF THE CHIEF OF POLICE FOR SUPPLEMENTAL APPROPRIATION OF FUNDS TO BE USED FOR THE EMERGENCY INTERIM CAD PROJECT

Assistant Chief Sanders introduced Glen Maron, project manager of Interim CAD Project, and after discussion motion by Commissioner Hewlett, second by Commissioner Wong. Approved 5-0.

RESOLUTION NO. 55-96

APPROVAL OF REQUEST OF THE CHIEF OF POLICE FOR SUPPLEMENTAL APPROPRIATION OF FUNDS TO BE USED FOR THE EMERGENCY INTERIM CAD PROJECT

WHEREAS, on December 20, 1995, the Chief of Police declared that an emergency condition exists with respect to the functioning of the police Computer Aided Dispatch (CAD) system; and

WHEREAS, the Police Department requests a supplemental appropriation

from any legally available source of funding; and

WHEREAS, said funds, in the amount of \$5,337,594, shall be used for the procurement, installation, and integration of an interim Computer Aided Dispatch (CAD) system; and

WHEREAS, the interim CAD system is required to preserve critical public safety response services affecting the lives and property of citizens and of police officers; now, therefore be it

RESOLVED, that the Police Commission hereby approves the supplemental appropriation (Appendix II, plus Attachments) of \$5,337,594 to procure, install and integrate an interim police CAD system.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

DISCUSSION AND ACTION RE: REVIEW OF OFFICER DISCIPLINE IN CONJUNCTION WITH SETTLEMENT OF CASES

Commissioner Hewlett discussed the City Attorney's recommendation regarding discipline in conjunction with settlement of cases and after discussion motion by Commissioner Hewlett, second by Commissioner Norman. The Commission adopts in principle the recommendations.

John Crew, ACLU, expressed his concerns.

Caroline Hendrix discussed her concerns.

Recommendations approved 5-0.

REPORT RE: SAN FRANCISCO POLICE BOARD PATROL

Commander Pengel introduced Sgt. Wallett who asked approval of full time boat patrol. Discussion by Commissioner Medina regarding costs vs. benefit. Commissioner Norman stated she supports the boat. Commissioner Wong suggested contacting Port Commission to see if there is assistance in funding.

Chief Lau then asked the matter be recalendared for action in approximately 30 days.

DISCUSSION RE: PUBLIC SAFETY IN THE PARK

Commissioner Medina discussed safety in the park.

Mary Doug Wallace, Coleman Advocates, expressed her concerns.

Dr. Steven Battesans, Park and Recreation Commission, recommended reinstating Park and Beach Squad.

Minnie Ward, OMI, discussed her concerns.

Rhonda Denny discussed dogs in the park and also parks in the Western Edition.

Jesica Perez discussed concerns Alamo Park.

Ron DeLeon, supervisor Park and Recreation, recommended that the department reinstate Park and Beach Squad.

Mike Moran, Park Rangers, discussed input regarding Park Rangers.

John Rupert, Park and Rec. Department Supervisor, asked for park patrol.

Mary Harris, OMI, discussed concerns regarding the parks and problems and asked that more recruits be assigned to Taraval.

Martina Gillis, Coleman Advocates, discussed concerns regarding drinking, gambling, marijuana smoking and pit bulls in the park.

Theresa Cantro, Parents Advocates, discussed concerns regarding problems in the panhandle.

Elaine Molinari, Park and Rec. Department, encouraged coordination with police and park and rec. department.

After discussion, Chief Lau stated that Deputy Chief Holder would establish a plan to address the problems in the parks and work directly with the Park and Rec. Department. Planning being in place to address these issues. He also stated the department will work with other agencies and that the city would take back the parks for recreational use.

The Commission took a break between 7:50 p.m. and 8:05 p.m.

PUBLIC COMMENTS

Karen Crome, Haight Ashbury, discussed letter written requesting a meeting with the Chief, Legal Office and Commissioner Keke regarding obstruction of sidewalks.

John Crew, ACLU, will help if necessary and participate in the meeting.

HEARING OF POLICE OFFICER ALBERT N. LEE, SUPPORT SERVICES DIVISION (FILE NO. C45-212 RLC)

The hearing of Police Officer Albert N. Lee, Support Services Division, was called it having been set for this date. Officer Lee was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1:

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule 9, General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2:

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule 9, General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3:

Failure to answer questions propounded by a superior officer truthfully (violation of Rule 21, of General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Officer Albert N. Lee appeared in person and was represented by Mr. Roger Pierucci, Attorney at Law.

Mr. Richard L. Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Pierucci entered a plea of no contest on Specification Nos. 1 and 2 on behalf of Officer Lee. Officer Lee personally affirmed entry of a no contest plea in these matters.

Based on Officer Lee's plea, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Officer Albert N. Lee be terminated. Said termination to be held in abeyance for three years; 150 days suspension and counselling with Lieutenant A. Benner/Psych Liaison, for one year.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 56-96

DECISION - HEARING OF OFFICER ALBERT N. LEE, SUPPORT SERVICES DIVISION (FILE NO. C45-212 RLC)

WHEREAS, on March 26, 1996, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Albert N. Lee, as follows:

SPECIFICATION NO. 1:

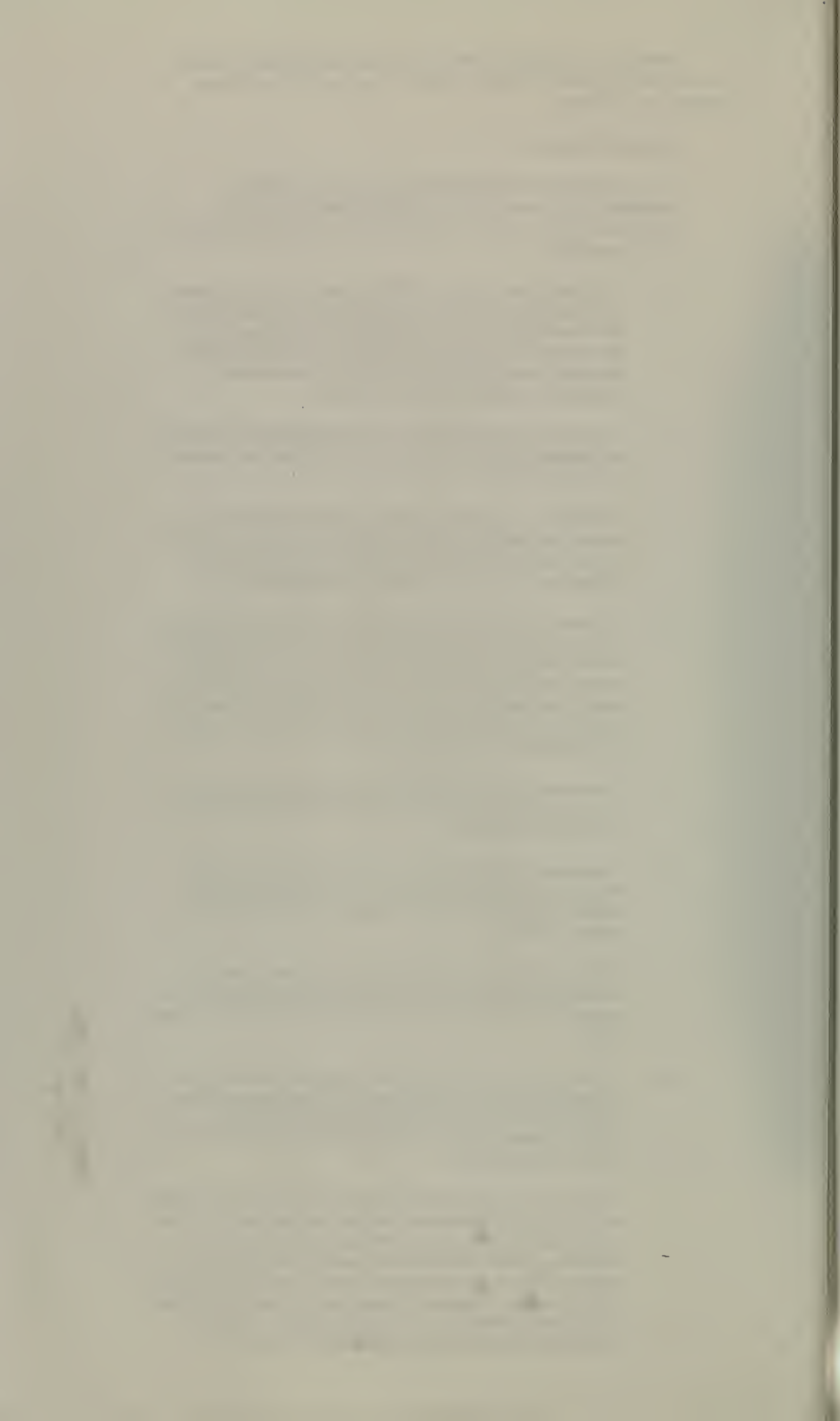
Engaging in conduct which subverts the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule 9, General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned, Officer Albert N. Lee, Star Number 2171, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Field Operations Bureau, Muni Transit Company. Subsequent to the events described herein, the accused was transferred to the Support Services Division;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On January 1, 1995, while off-duty, shortly after 1300 hours, the accused was walking his dog on Ocean Beach, adjacent to the foot of Sloat Boulevard. The accused's dog was unleashed and had defecated on the beach, both violations of Federal Regulations;
- (4) On January 1, 1995, an individual, who was walking on the beach with two other individuals, approached the accused and confronted him regarding his dog defecating on the beach. The confrontation quickly became heated and escalated into a physical altercation. Another individual joined in the altercation and the combatants each pushed one another one or more times, and the accused swung at the individuals with his dog's leash;
- (5) The accused left the scene without taking any police action. The other combatants followed the accused and ultimately telephoned the police for assistance;
- (6) The accused, pursuant to Rule 2, of General Order 2.01, had an obligation while off-duty to prevent crime, to detect and arrest offenders, and to protect life and property. Rule 2, of General Order 2.01 states:

"Off-Duty Responsibility. While off-duty, officers shall take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property, consistent with their ability to take proper action."

- (7) The accused, by becoming involved in a physical altercation with two individuals and leaving the scene of the altercation and failing to take any action to prevent crime, or to detect and arrest offenders, has engaged in conduct which violates Rule 9 of General Order 2.01, which states:

"Misconduct. Any breach of the peace, neglect of duty, misconduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department of which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."



SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule 9, General Order 2.01 of the San Francisco Police Department);

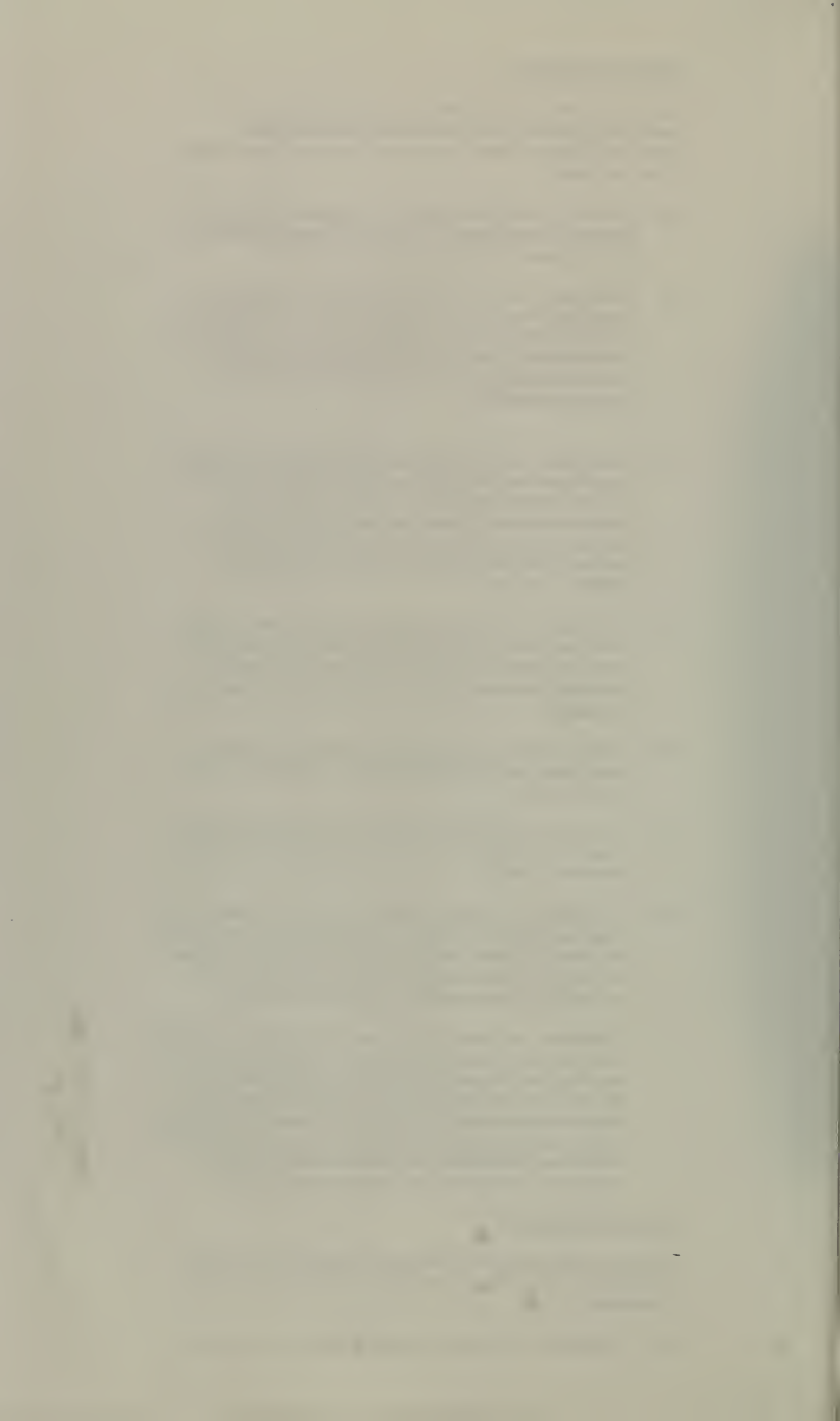
- (8) Each and every allegation contained in paragraphs (1) through (7), inclusive, of Specification No. 1 above is incorporated herein by this reference and realleged as though set forth in full;
- (9) On January 1, 1995, at 1450 hours, the accused telephoned the Police Department Communications Division to report that he was being followed to 41st Avenue and Taraval Street subsequent to a scuffle on Ocean Beach. The accused refused to provide the Communications dispatcher with his last name when the same dispatcher requested it;
- (10) On January 1, 1995, at 1458 hours, members of the San Francisco Police Department arrived at the accused's location in response to his call to Police Communications. A San Francisco Police Lieutenant asked the accused where he lived, but the accused declined to answer. The accused never identified himself as a member of the Police Department to any of the department members on the scene;
- (11) On January 1, 1995, at approximately 1500 hours, officers of the United States Park Police responded to 41st Avenue and Taraval Street, and met with the accused, the victims, and a witness concerning the assault incident described herein and commenced an investigation;
- (12) During the course of the investigation of the assault incident, a United States Park Police Officer asked the accused for his name and date of birth;
- (13) In response to the officer's request, the accused provided the date of birth of November 8, 1965. In fact, the accused's date of birth is November 7, 1964;
- (14) The accused, by providing a United States Park Police Officer with a false date of birth, attempted to evade being properly identified by the officer and delayed the officer in the performance of his duties, has engaged in conduct which violated Rule 9 of General Order 2.01 of the San Francisco Police Department, which states:

"Misconduct. Any breach of the peace, neglect of duty, misconduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department of which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 3

Failure to answer questions propounded by a superior officer truthfully (violation of Rule 21, of General Order 2.01 of the San Francisco Police Department);

- (15) Each and every allegation contained in paragraphs (1) through (14),



inclusive, of Specification Nos. 1 and 2 above is incorporated herein by this reference and realleged as though set forth in full;

- (16) On March 23, 1995, the accused was summoned to the Management Control Division to be interviewed in the investigation of M.C.D. Case #A178-94/95, which concerned the events described above. After being advised of his procedural right and the obligation to answer truthfully and without evasion, the accused was interviewed by a superior officer;
- (17) During the interview, the accused was questioned about his contact with members of the San Francisco Police Department at 41st and Taraval Streets. The accused stated that he intended to identify himself as a member of the Police Department, however, he did not have an opportunity to converse with the San Francisco Police officers on the scene;
- (18) The true facts are that the accused spoke with members of the San Francisco Police Department, including privately with a uniformed police lieutenant, but did not identify himself and in fact, declined to give his home address when requested;
- (19) The accused, by failing to answer truthfully and with evasion when questioned during a Management Control interview regarding his contact with members of the San Francisco Police Department at 41st and Taraval Streets, has engaged in conduct which constitutes a violation of Rule 21 of General Order 2.01, which states:

"21. Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions, the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 27, 1996, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Albert N. Lee's plea of no contest, the Commission finds that the allegations contained in Specification Nos. 1 and 2, as preferred by Chief of Police Fred H. Lau are sustained; Specification No. 3 is dismissed and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain

SPECIFICATION NO. 2

Sustain

SPECIFICATION NO. 3

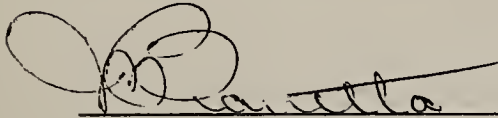
Dismissed

Termination held in abeyance for three (3) years; 150 days suspension and counselling with Lieutenant Al Benner, Human Resources, for up to one year.

RESOLVED, that said 150 days suspension shall commence on Thursday, March 28, 1996, at 0001 hours, and end on Saturday, August 24, 1996, at 2400 hours.

AYES: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

Thereafter, the meeting was adjourned at 8:20 p.m.

A handwritten signature in dark ink, appearing to read 'Manuel Barretta', is written over a horizontal line.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

ADDITIONAL INFORMATION ATTACHED



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
TUESDAY, APRIL 2, 1996**

*** SPECIAL MEETING**

**ROOM 551
5:30 p.m.**

PRE-HEARING CONFERENCE

Aaron Williams' Incident

JOHN KEEFER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT MANUEL BARRETTA
Secretary

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, APRIL 3, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

ROOM 551
5:30 p.m.

JOHN KEEER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
 - a. Motion of Calendaring of New Items
5. Assignment of Commissioner and Setting of Date on Additional Charges Filed Against Officer Ena C. Ferdinand, Support Services (File No. C56-180 RLC)
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Request of the Chief of Police for Approval to Apply for, Accept, and Expend Funds from the U.S. Department of Justice/Office of Community Oriented Policing Services (COPS) to Start the Community Oriented Policing Services - Universal Hiring Program
9. Presentation by Captain Lawrence Minasian, Police Academy, re: Overview of Training
10. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
11. Disposition Hearing on Charges Filed Against Officer Anthony M. Oakley, Potrero Station (File No. C56-021 RLC)

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ADDITIONAL INFORMATION AVAILABLE



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, APRIL 3, 1996**

CONSENT CALENDAR

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT MANUEL BARRETTA
Secretary

1. Request of the Chief of Police for Approval to Accept Donation of a Computer and Peripheral Software from Mr. Jerry Williams for use at the Mission Station, valued at approximately \$ 1,000.00.
2. Request of the Chief of Police for Approval to Accept Donation of 75 GTE Mobilnet Cellular Telephones, valued at \$2,250 00.

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(Chapter 67 of the San Francisco Administrative Code)

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APRIL 3, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina*
ABSENT: Commissioner Wong

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*Commissioner Medina arrived at 5:45 p.m.

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APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Norman, second by Commissioner Hewlett.
Consent Calendar approved 3-0.

RESOLUTION NO. 62-96

**APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO
ACCEPT DONATION OF A COMPUTER AND PERIPHERAL
SOFTWARE FROM MR. JERRY WILLIAMS FOR USE AT THE
MISSION STATION, VALUED AT APPROXIMATELY \$1,000.00**

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of a computer and peripheral software from Mr. Jerry Williams, for use at the Mission Station, valued at approximately \$1,000.00.

AYES: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

RESOLUTION 63-96

**APPROVAL TO ACCEPT DONATION OF 75 GTE MOBILNET
CELLULAR TELEPHONES VALUED AT \$2,250.00**

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of 75 GTE Mobilnet cellular telephones, valued at \$2,250.00.

AYES: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

POLICE COMMISSION REPORT

a. Notification of Resignation of Officer Joseph H. Perrone

Police Commission advised that resignation of Officer Perrone; matter taken off calendar.

RESOLUTION 59-96

**RESIGNATION OF OFFICER JOSEPH H. PERRONE, PARK STATION
(FILE NO. C56-008 JWA)**

WHEREAS, on July 24, 1995, Anthony D. Ribera, former Chief of Police, made and served charges against Police Officer Joseph H. Perrone, Park Station, as follows:

SPECIFICATION NO. 1

Possession or use of a controlled substance as defined by the Uniform Controlled Substances Act without a valid prescription (violation of Rule I-C-1 of General Order D-1 of the San Francisco Police Department);

and

WHEREAS, the Police Department was in receipt of the resignation of Police Officer Joseph H. Perrone from the San Francisco Police Department, said resignation effective close of business April 2, 1996, which resignation was accepted with the condition that the services of Officer Perrone have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Joseph H. Perrone, be, and the same are hereby continued off calendar.

AYES: Commissioners Keker, Norman, Hewlett, Medina,
ABSENT: Commissioner Wong

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE ON
ADDITIONAL CHARGES FILED AGAINST OFFICER ENA C.
FERDINAND, SUPPORT SERVICES (FILE NO. C56-180 RLC)**

Continued to May 1st for disposition.

RESOLUTION 60-96

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE ON
ADDITIONAL CHARGES FILED AGAINST OFFICER ENA C.
FERDINAND, SUPPORT SERVICES (FILE NO. C56-180 RLC)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Ena C. Ferdinand, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Ferdinand; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Ena C. Ferdinand and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina,
ABSENT: Commissioner Wong

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Holder described FRET Enforcement Program April 2nd and updated the Commission regarding the efforts during that operation.

Commander Pengel discussed upcoming Easter Egg Hunt in Golden Gate Park, Saturday, April 5th, in conjunction with Etna and also Operation Dream.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer indicated that the budget committee of the Board of Supervisors reviewed and adjusted the proposed supplemental budget to include rent regarding the recent move and approved supplemental budget. It will be before the Board on April 15th and he also stated he will be out of town April 8th.

**REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO APPLY
FOR, ACCEPT, AND EXPEND FUNDS FROM THE U.S. DEPARTMENT
OF JUSTICE/OFFICE OF COMMUNITY ORIENTED POLICING
SERVICES (COPS) TO START THE COMMUNITY ORIENTED
POLICING SERVICES - UNIVERSAL HIRING PROGRAM**

Officer Jeff Clark, Grant Unit, presented grant.

Motion by Commissioner Medina, second by Commissioner Hewlett.
Approved 4-0.

RESOLUTION NO. 61-96

**APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO APPLY
FOR, ACCEPT, AND EXPEND FUNDS FROM THE U.S. DEPARTMENT
OF JUSTICE/OFFICE OF COMMUNITY ORIENTED POLICING
SERVICES (COPS) TO START THE COMMUNITY ORIENTED
POLICING SERVICES - UNIVERSAL HIRING PROGRAM**

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply, accept, and expend funds from the U.S. Department of Justice/Office of Community Oriented Policing Services (COPS) to start the Community Oriented Policing Services - Universal Hiring Program.

AYES: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

**PRESENTATION BY CAPTAIN LAWRENCE MINASIAN, POLICE
ACADEMY, RE: OVERVIEW OF TRAINING**

Captain Minasian presented the overview of training in the department and described the various suggestions of training improvements and staffing.

Commission stated that they were committed with training and would support needed adjustments.

PUBLIC COMMENTS

Louise Vaughn stated there is no need for more training.

Lavoria Moore discussed police abuse and actions of the police on residence in the Double Rock Projects.

Constance (last name unknown) discussed support in training.

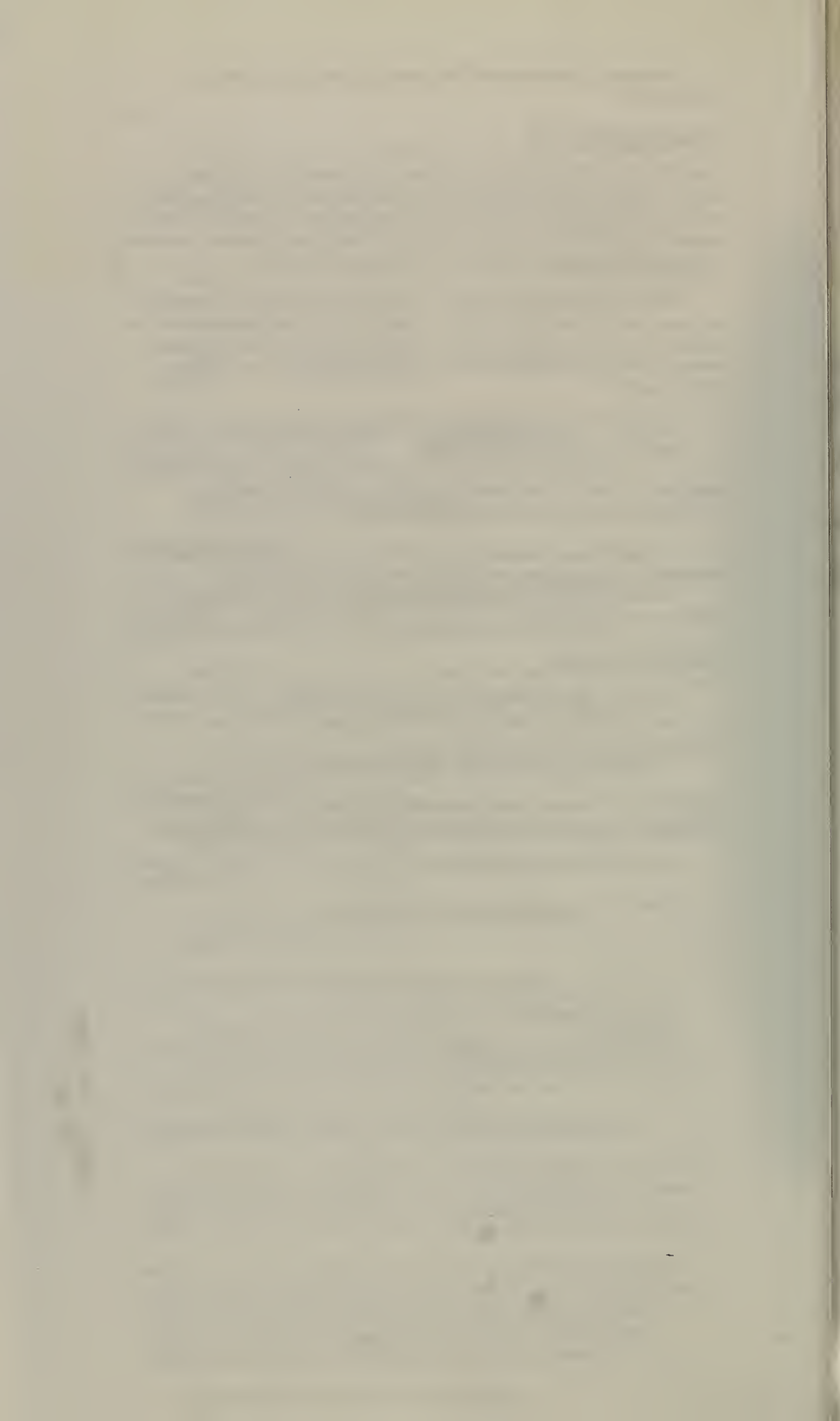
**DISPOSITION HEARING ON CHARGES FILED AGAINST OFFICER
ANTHONY M. OAKLEY, POTRERO STATION (FILE NO. C56-021 RLC)**

To be recalendared for a later date.

Thereafter, the meeting was adjourned at 7:30 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION



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P. 002



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

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DOUGLAS F. WONG
Commissioner

L.T. MANUEL BARRETTA
Secretary

**CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING**

There will be no Police Commission Regular Meeting on Wednesday, April 10, 1996.
The next Police Commission Meeting will be on Wednesday, April 17, 1996, at the
Hall of Justice, 850 Bryant Street, Room 551, at 5:30 p.m.

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, APRIL 17, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

ROOM 551
5:30 p.m.

AMENDED

JOHN KESLER
President
PAT NORMAN
Vice President
CLOTILDE NEWLETT
Commissioner
JOSE MEDINA
Commissioner
DOUGLAS F. WONG
Commissioner
LT. MANUEL BARILETTA
Secretary

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
 - a. Motion of Calendaring of New Items
5. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Roy Michael Ramos, Tenderloin Task Force (File No. C56-143 JWA)
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion and Action re: Revised General Order 1.03, "Duties of Patrol Officers" and Revised General Order 5.04, "Arrests by Private Persons"
9. Discussion and Action re: Proposed Fiscal Year 1996/97 SFPD Budget
10. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, APRIL 17, 1996**

CONSENT CALENDAR

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Request of the Chief of Police for Approval to Accept Donation of \$400.00, from Ms. Noelle Chabasseur, to be use for the SFPD Family Day Picnic
2. Request of Officer Lorie Brophy to Accept a Gift of a Homemade Slim Gold Band Ring as a Token of Appreciation from the Song Family
3. Request of the Chief of Police for Approval to Accept a Donation of a Horse Trailer, from the Wells Fargo Bank, to be Utilized by the Mounted Unit

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, APRIL 17, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

ROOM 551
5:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
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 - a. Motion of Calendaring of New Items
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9. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, APRIL 17, 1996

CONSENT CALENDAR

JOHN KEKER
President

PAT NORMAN
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Commissioner

JOSE MEDINA
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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669



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APRIL 17, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m. in a Regular Meeting.

PRESENT: Commissioner Keker, Norman, Wong, Medina*
ABSENT: Commissioner Hewlett

*Commissioner Medina arrived 6:00 p.m.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 67-96

APPROVAL TO ACCEPT DONATION OF \$400.00, FROM MS. NOELLE CHABASSEUR, TO BE USE FOR THE SFPD FAMILY DAY PICNIC

RESOLVED, that the Police Commission hereby approves request of Inspector Raymond Mullane, Fencing, to accept donation of \$400.00, from Ms. Noelle Chabasseur, to be use for the SFPD Family Day Picnic.

AYES: Commissioner Keker, Norman, Wong
ABSENT: Commissioner Hewlett, Medina

RESOLUTION NO. 68-96

APPROVAL OF REQUEST OF OFFICER LORIE BROPHY TO ACCEPT A GIFT OF A HOMEMADE SLIM GOLD BAND RING AS A TOKEN OF APPRECIATION FROM THE SONG FAMILY

RESOLVED, that the Police Commission hereby approves request of Officer Lorie Brophy to accept a gift of a homemade slim gold band ring as a token of appreciation from the Song Family.

AYES: Commissioner Keker, Norman, Wong
ABSENT: Commissioner Hewlett, Medina

RESOLUTION NO. 69-96

APPROVAL TO ACCEPT A DONATION OF A HORSE TRAILER, FROM THE WELLS FARGO BANK, TO BE UTILIZED BY THE MOUNTED UNIT

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation of a horse trailer, from the Wells Fargo Bank, valued at \$15,303.80, to be utilized by the Mounted Unit.

AYES: Commissioners Keker, Norman, Wong
ABSENT: Commissioner Hewlett, Medina

POLICE COMMISSION REPORT

No Police Commission report.

RESOLUTION NO. 64-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE ON CHARGES FILED AGAINST OFFICER ROY MICHAEL RAMOS, TENDERLOIN TASK FORCE (FILE NO. C56-143 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Police Officer Roy Michael Ramos, Tenderloin Task Force, was called it having been set for this

date; and

WHEREAS, Commissioner Douglas Wong is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Ramos; therefore be it

RESOLVED, that Commissioner Wong is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Roy Michael Ramos and is to be set at a later date.

AYES: Commissioners Keker, Norman, Wong
ABSENT: Commissioner Hewlett, Medina

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau briefed the Commission on the dedication of the Hanging Gardens of Highway 280 to Commander Isiah Nelson. He indicated it was a very moving ceremony and everything went well.

Deputy Chief Willett informed the Commission regarding arrest on 9th Avenue in which explosives, machine guns, 5,000 rounds of ammunition and five handguns were seized. He also advised the Commission on series of robberies in which an arrest was made including 13 robbery counts and 28 assorted felony counts.

Chief Lau stated that he is anticipating 88 Sergeant appointments and that they will be trained as soon as possible. He also discussed an editorial regarding juvenile citations and will work on rebuttal for clarification. He also indicated that the Matrix Program has officially ended and Deputy Chief Holder will issue indicating such. The Department will further reissue the homeless policy.

Commissioner Keker then discussed possible Charter amendment regarding discipline system and discussed time frames for submission of appointments to be placed on the ballot.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Lance Bayer, OCC Director, indicated that at the Board of Supervisors' meeting on April 15th, supplemental appropriation first reading was passed. He also indicated new computer equipment was received and that on Monday, April 15th he attended a civilian academy and made a presentation regarding the OCC.

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 1.03, "DUTIES OF PATROL OFFICERS" AND REVISED GENERAL ORDER 5.04, "ARRESTS BY PRIVATE PERSONS"

General Order 1.03 approved 4-0. General Order 5.04 was put over pending revision.

RESOLUTION NO. 65-96

APPROVAL OF REVISED GENERAL ORDER 1.03, "DUTIES OF PATROL OFFICERS"

RESOLVED, that the Police Commission hereby approves revised General Order 1.03, "Duties of Patrol Officers".

AYES: Commissioners Keker, Norman, Medina, Wong
ABSENT: Commissioner Hewlett

DISCUSSION AND ACTION RE: PROPOSED FISCAL YEAR 1996/97 SFPD BUDGET

Alex Fagan, Fiscal Division, presented budget. After presentation, Commissioner Norman discussed keeping the training fund intact; that 911 maintenance was not negotiable. After discussion, motion by Commissioner

Medina, second by Commissioner Norman. Proposed budget approved 4-0.

RESOLUTION NO. 66-96

APPROVAL OF PROPOSED FISCAL YEAR 1996/97 SFPD BUDGET

RESOLVED, that the Police Commission hereby concurs with the Police Department budget submission.

AYES: Commissioner Keker, Norman, Medina, Wong
ABSENT: Commissioner Hewlett

PUBLIC COMMENTS

Judy Appell, Commission on Homeless, discussed letter sent previously regarding obstruction of sidewalk. Commissioner Keker suggested calendaring of concerns and that the department would respond. After discussion, matter was calendared for May 15th.

John Crew, ACLU, complimented the Chief on the end of Matrix Program and suggested looking at present policies and change policies if necessary.

Patricia Taylor discussed concerns regarding African-American officers and in-custody death.

Colleen Lopez, Coalition on Homeless, discussed concerns regarding confiscation of shopping carts.

Joe Heshman discussed juvenile rights in the Mission and actions of police in the Mission District.

Sergeant Steve Johnson, POA, discussed the work of officers in the Mission and recapped various activities and actions that the police take in the district.

Thereafter, the meeting was adjourned at 7:15 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, APRIL 24, 1996

CENTRAL DISTRICT
Jean Parker Elementary School
840 Broadway Street
San Francisco, CA

6:00 p.m.

JOHN KEKIR
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
 - a. Motion of Calendaring of New Items
5. Chief's Report to the Police Commission
6. OCC Director's Report to the Police Commission
7. Captain Heather Fong, Commanding Officer Central Station, to Address the Commission on Police Activities in the Central District
8. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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AMES:

Commissioner Kaker Norman Medina Wong



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, APRIL 24, 1996

CONSENT CALENDAR

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT MANUEL BARRETTA
Secretary

1. Request for Approval to Accept the following items from the Hewett Marine Supply Company for use of the Police Boat; (1) 5/8" Polypropylene Line at 200' (2) 1/2" Braided Nylon Line, 4 Sections at 25' with Eye Splice on One End (3) Misc. Flares, Floating and Hand Held
2. Request for Approval to Accept a Gift of \$25.00 from Ms. Alice Stout for the Richmond Station Floral Fund
3. Request for Approval to Accept Twelve (12) Shares of Merrill Lynch Stock, from Ms. Susan J. Dinsmore, in the Name of "Operation Dream", estimated value of \$700.00

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AVES.

Commissioner Keker Norman Medina Wong



15
4/96
THE
SAN FRANCISCO POLICE COMMISSION
AND
CENTRAL POLICE STATION
CORDIALLY INVITE YOU TO ATTEND
THE
MONTHLY MEETING
OF
THE SAN FRANCISCO POLICE COMMISSION

Wednesday, APRIL 24, 1996
JEAN PARKER ELEMENTARY SCHOOL
840 BROADWAY STREET

TIME 6:00 PM

Come and meet The SAN FRANCISCO POLICE COMMISSION.
There will be a public comment session during the meeting.

For more information, please contact

Officer Richard Van Winkle
553 1529

Please invite your neighbors

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AVES.

Commissioner Keker Norman Medina Wong

APRIL 24, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Central District at Jean Parker Elementary School, at 6:10 p.m., in a Regular Meeting.

PRESENT: Commissioner Keker, Norman, Hewlett, Medina, Wong

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Commissioner Keker welcomed the audience, introduced all Commissioners, Chief Lau and command staff, Lance Bayer, OCC, and also recognized Paul Cummins from the District Attorney's office.

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CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau greeted the audience and advised the Chief that he has received a hundred thousand grant from ABC for enforcement regarding sales enforcement presentation efforts in the city.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Lance Bayer, Director OCC, described duties of the OCC.

APPROVAL OF CONSENT CALENDAR

Taken out of order. Motion by Commissioner Norman, second by Commissioner Medina. Approved 5-0.

RESOLUTION NO. 70-96

APPROVAL TO ACCEPT THE FOLLOWING ITEMS FROM THE HEWETT MARINE SUPPLY COMPANY FOR USE OF THE POLICE BOAT: (1) 5/8" POLYPROPELENE LINE AT 200' (2) 1/2" BRAIDED NYLON LINE, 4 SECTIONS AT 25' WITH EYE SPLICE ON ONE END (3) MISC. FLARES, FLOATING AND HAND HELD

RESOLVED, that the Police Commission hereby approves request to accept donations of above items for use of the Police Boat.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 71-96

APPROVAL TO ACCEPT A GIFT OF \$25.00 FROM MS. ALICE STOUT FOR THE RICHMOND STATION FLORAL FUND

RESOLVED, that the Police Commission hereby approves request to accept a donation of \$25.00, from Ms. Alice Stout, to go towards the Richmond Station Floral Fund.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 72-96

APPROVAL TO ACCEPT TWELVE (12) SHARES OF MERRILL LYNCH STOCK, FROM MS. SUSAN J. DINSMORE, IN THE NAME OF "OPERATION DREAM", ESTIMATED VALUE OF \$700.00

RESOLVED, that the Police Commission hereby approves request to accept twelve (12) shares of Merrill Lynch Stock, from Ms. Susan J. Dinsmore, in the name of "Operation Dream", estimated value of \$700.00

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

**CAPTAIN HEATHER FONG, COMMANDING OFFICER CENTRAL
STATION, TO ADDRESS THE COMMISSION ON ACTIVITIES IN THE
CENTRAL DISTRICT**

Captain Fong, Commanding Officer Central Station, greeted the audience and discussed police activities in the Central District, crime staffing and recent arrests. She thanked the principal of the Jean Parker School for her hospitality in allowing us to use the school. She also acknowledged business owner Walter Pastori, Broadway Harry, and presented him with Certificate of Appreciation. She also acknowledged and presented Certificate of Appreciation to Penfillo Asperos, volunteer in the Central District. Also Dolores Clardi and Anna Oberlee. Captain Fong also thanked Lt. John Goldberg, Sgt. Ron Parenti, Officer Fred Krisp and Officer Rich Van Winkle for their efforts in coordinating the district meeting.

PUBLIC COMMENTS

Rose Pak, President Chinese Chamber of Commerce, asked for more police officers be assigned to Central District.

Patricia Tullick complaint regarding actions of police and misconduct of police.

Lucy Plato thanked the Commission and department for meeting in the district and discussed concerns regarding pedestrian safety, speeding and parking problems.

Henry Breen discussed problems on the Embarcadero regarding bikes and rollerskaters and asked for bike patrol in the area.

Gil Cohen discussed his concerns regarding permits of horse drawn carriages.


Tom Fields discussed concerns regarding auto boosting.

Marty Dean, Chief of Security St. Francis Hotel, discussed panhandling in area.

Marsha Garland discussed the need for more beat officers.

Jean Powell, resident of Nob Hill, discussed problems regarding prostitution and drugs in the area.

Thereafter, the meeting was adjourned at 7:55 p.m.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

RESOLUTION NO. 78-78



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MAY 1, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

ROOM 551
5:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Approval of Minutes of Meetings of February 7th & 14, 1996
5. Police Commission Report
 - a. Motion of Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Status Report re: OCC Mediation Program
9. Presentation of OCC First Quarter Statistical Report
10. Discussion and Action re: Procedure for Review of Officer History in Conjunction with Settlement of Civil Cases
11. Discussion and Action re: Safety in the Parks
12. Discussion and Action re: Revised General Order 5.04, "Arrests by Private Persons"

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**CAPTAIN HEATHER FONG, COMMANDING OFFICER CENTRAL
STATION, TO ADDRESS THE COMMISSION ON ACTIVITIES IN THE
CENTRAL DISTRICT**

Captain Fong, Commanding Officer Central Station, greeted the audience and discussed police activities in the Central District, crime staffing and recent arrests. She thanked the principal of the Jean Parker School for her hospitality in allowing us to use the school. She also acknowledged business owner Walter Pastori, Broadway Harry, and presented him with Certificate of Appreciation. She also acknowledged and presented Certificate of Appreciation to Penfillo Asneros



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MAY 1, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

13. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
14. Disposition Hearing on Charges Filed Against Officer Ena C. Ferdinand, Support Services (File Nos. C56-011 & C56-180 RLC)
15. Disposition Hearing on Charges Filed Against Inspector Robert C. Hernandez, Narcotics (File No. C45-256 JWA)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval of Taxicab Owners Permit for Mr. Brooks H. Dyer
2. Request of the Chief of Police for Approval to Accept a Donation of \$3,000.00 from the Pacific Telesis Company, for the Purchase of New Bicycles for the San Francisco Police Department

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**CAPTAIN HEATHER FONG, COMMANDING OFFICER CENTRAL
STATION, TO ADDRESS THE COMMISSION ON ACTIVITIES IN THE
CENTRAL DISTRICT**

Captain Fong, Commanding Officer Central Station, greeted the audience and discussed police activities in the Central District, crime staffing and recent arrests. She thanked the principal of the Jean Parker School for her hospitality in allowing us to use the school. She also acknowledged business owner Walter Pastori, Broadway Harry, and presented him with Certificate of Appreciation. She presented a Certificate of Appreciation to Penfillo Asneros

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TEL: 415 553 1669

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

5/7/96
Special

**CALENDAR OF PROCEEDINGS
THE POLICE COMMISSION
TUESDAY, MAY 7, 1996
* SPECIAL MEETING**

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, CA 94103*

JOHN KEEFER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARREITA
Secretary

CLOSED SESSION

*Room 551
5:00 p.m.*

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MAY 06 1996

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Government Code Section 54957

Discussion and Possible Action Concerning Position of Director, Office of Citizen Complaints,
Including Selection and Appointment of New Director of the Office of Citizen Complaints and
Removal of Current Director

MAY 1, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong

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APPROVAL OF CONSENT CALENDAR

APR 09 1998

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RESOLUTION NO. 73-96

APPROVAL OF TAXICAB OWNER'S PERMITS FOR MR. BROOKS H. DYER

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that the above named individual, based on his application and the San Francisco Permit Bureau certification, if qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Brooks H. Dyer.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 74-96

APPROVAL TO ACCEPT A DONATION OF \$3,000.00 FROM THE PACIFIC TELESIS COMPANY, FOR THE PURCHASE OF NEW BICYCLES FOR THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation of \$3,000.00 from the Pacific Telesis Company, for the purchase of new bicycles for the San Francisco Police Department.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

APPROVAL OF MINUTES OF MEETINGS OF FEBRUARY 7TH & 14TH, 1996

Approval of minutes of meetings of February 7th and 14th, 1996, the Commission having received, approved and returned copies of same.

Motion by Commissioner Hewlett, second by Commissioner Wong.
Approved 5-0.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

POLICE COMMISSION REPORT

Commissioner Hewlett asked for the Custody Death Task Force Report

next week at the meeting of May 8th.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau stated nothing to report.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

STATUS REPORT RE: OCC MEDIATION PROGRAM

PRESENTATION OF OCC FIRST QUARTER STATISTICAL REPORT

Director Lance Bayer stated he met with young people at the Ingleside regarding encounters with police and presented first quarter statistics from OCC and stated there is only 300 cases pending.

John Crew addressed area of increases in Park Station complaints and also policy recommendations.

Director Bayer also stated that May 8th meeting there will be a status report on OCC policy recommendations.

Bruce Kapsack updated Commission regarding the Mediation Program. He stated that approximately ten percent of cases are ineligible for mediation and that mediation is a good process and most of them deal mainly with discourtesy.

Commissioner Medina leaves 6:10 p.m.

Judith Appeal, Coalition on Homeless, addressed Commission regarding her concerns of the mediation process and also mediator training.

DISCUSSION AND ACTION RE: PROCEDURE FOR REVIEW OF OFFICER HISTORY IN CONJUNCTION WITH SETTLEMENT OF CIVIL CASES

Linda Ross, City Attorney, discussed procedure for review of officer history in conjunction with settlement of complaints and indicated a department representative as well as city attorney would be included at settlement preliminary conferences with the Commission.

Captain Winters address the Commission regarding the department recommendations.

John Crew, ACLU, discussed concern regarding reviewing officers history, department policies and training.

Motion by Commissioner Norman, second by Commissioner Wong. Policy adopted 4-0.

APPROVAL OF PROCEDURE FOR REVIEW OF OFFICER HISTORY IN CONJUNCTION WITH SETTLEMENT OF CIVIL CASES

RESOLVED, that the Police Commission hereby adopts procedure for review of officer history in conjunction with settlement of civil cases.

- AYES: Commissioners Keker, Norman, Hewlett, Wong
- ABSENT: Commissioner Medina

DISCUSSION AND ACTION RE: SAFETY IN THE PARKS

Deputy Chief Holder stated he held a round table discussion regarding problems in the parks. He presented operation park plan and asked for approval so that the department would work closely with Park and Rec Department.

Commander Pengel, Special Operations Division, stated seven officers has been added to the Hondas bringing total to 21 and two more officers added to the Mounted Unit increasing them to 14. She also indicated there will be more meetings with Park and Rec.

Commissioner Hewlett discussed concerns regarding working with Park

and Rec Department.

Commissioner Norman discussed concerns with role of Park and Rec as well as personnel and Health Department on issues of a health nature.

Commissioner then suggested that Deputy Chief Holder make a presentation to the Park and Rec Commissioner regarding his plan.

Commissioner Wong also suggested that department monitor cost level regarding enforcement.

Ron DeLeon, Superintendent Park and Rec Department, commended Chief Lau and Deputy Chief Holder regarding efforts and stated that the Park and Rec Department will provide whatever necessary support is needed for the success of Deputy Chief Holder's plan.

Commissioner Norman asked for a status report on September 4th.

Marybeth Wallace, Parents Advocate for Youth, thanked the department for their actions.

Judith Appeal discussed concerns in the park and harassment of the homeless in the park.

Theresa Cuantero, Parents Advocate for Youth, thanked the Chief and the staff for their efforts.

Ted Howard, Park Rangers, discussed concerns.

Minnie Ward thanked Chief Lau, Assistant Chief Sanders, Deputy Chief Holder and Commander Santos for their efforts.

Martina Gillis thanked the department for their actions.

Lucinda Perry thanked the department and offers help of the Parents Advocates for Youth.

Patricia Tolluk include the Department of Social Services in any actions.

John Crew, ACLU, discussed enforcement of General Order 3.12 regarding issue of belonging confiscation.

Commissioner Norman stated the department needs more information before decision or changing of policy.

The Commission took a break from 7:40 p.m. to 7:50 p.m.

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 5.04, "ARRESTS BY PRIVATE PERSONS"

Motion by Commissioner Hewlett, second by Commissioner Wong. General Order approved 4-0.

RESOLUTION NO. 75-96

APPROVAL OF REVISED GENERAL ORDER 5.04, "ARRESTS BY PRIVATE PERSONS"

RESOLVED, that the Police Commission hereby adopts revised General Order 5.04, "Arrests by Private Persons".

AYES: Commissioners Kecker, Norman, Hewlett, Wong
ABSENT: Commissioner Medina

PUBLIC COMMENTS

Linda Bray discussed concerns regarding Robert Lawrence.

Claude Moeller discussed actions of police in Ingleside Station and death of a friend at the station in 1989.

John Crew, ACLU, discussed pepper spray issues including review of prior use of pepper spray training video and paramedic response.

Bruce Kapsack, OCC, addressed the Commission on public comments and formally announced his resignation as OCC staff attorney effective Friday, May 10th. He read a statement.

DISPOSITION HEARING ON CHARGES FILED AGAINST OFFICER ENA C. FERDINAND, SUPPORT SERVICES (FILE NOS. C56-011 & C50-180 RLC)

Put over to May 8th.

**HEARING OF INSPECTOR ROBERT C. HERNANDEZ, NARCOTICS
DIVISION (FILE NO. C45-256 JWA)**

The hearing of Inspector Robert C. Hernandez, Narcotics Division, was called it having been st for this date. Inspector Hernandez was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Anthony Ribera, former Chief of Police of the San Francisco Police Department.

Inspector Robert Hernandez appeared in person and was represented by Mr. Robert Moore, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 77-96

**DECISION - HEARING OF INSPECTOR ROBERT HERNANDEZ,
NARCOTICS**

WHEREAS, on June 30, 1995, Anthony D. Ribera, former Chief of Police of the San Francisco Police Department, made and served charges against Inspector Robert Hernandez, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of A-9 of General Order D-1 of the San Francisco Police Department);

- (1) At all times herein mentioned, Robert C. Hernandez, Star Number 1435, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department holding rank of Inspector assigned to the Narcotics Division of the Special Investigations Bureau, now assigned to Fencing Section of the Investigations Bureau;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

**I. IN CAMERA STATEMENTS REGARDING THE
ALLEGED VICTIM**

- (3) In December 1990 during a jury trial in San Francisco Superior Court, a major evidentiary issue arose concerning the credibility of one of the alleged victims (herein referred to as "the victim") of a strong arm robbery; in order to rule on the evidentiary issue, the

Superior Court Judge conducting the trial in Department 26, (herein referred to as "the Judge") took evidence from members of the San Francisco Police Department who had knowledge of the person and the facts concerning the victim's credibility; the accused was subpoenaed to testify on December 19 and 20, 1990, *in camera*, before the Judge concerning information he acquired in the course of his duties in the Narcotics Division;

- (4) The Judge held *in camera* hearings on December 19 and 20, 1990, to inquire into any knowledge the San Francisco Police Department possessed of recent drug related activities, if any, involving the victim, a woman the accused had helped arrest and convict for drug trafficking in 1982;
- (5) On December 19, 1990, the accused took an oath to tell the truth; during the hearing the Judge asked him, "Has there been any rumor, within your department alleging that [the victim] is still involved in drug trafficking?" The accused answered the Judge's question, "Quite to the contrary, actually. It's been stated to me that she in fact has not been involved in narcotics trafficking, and is trying to lead the straight and narrow life, actually."; at the conclusion of that *in camera* session, the Judge directed the accused to look for all information available to the San Francisco Police Department regarding the victim's drug related activities between her release from prison in 1985 and the 1989 robbery;
- (6) On December 20, 1990, the *in camera* hearing resumed, the Judge asked the accused, "Inspector, please continue. Let me ask you this, you have indicated you have no knowledge that [the victim] is an informant either here in San Francisco for your detail and for any other agency or whatever." The accused answered, "I have no knowledge to that effect that [the victim] is an informant for any agency in San Francisco, FBI, DEA and BNE."

The Judge continued, "Is there anything else you wish to volunteer on the record, Inspector?" The accused responded, "No. I just reiterate, as I mentioned yesterday, that any information that I have received would be contrary to the fact that [the victim] was dealing narcotics. In fact, the knowledge that I have ascertained over the past few years since she has gotten out of prison is she has in fact attempted to lead a pretty straight and narrow life. That's been the extent of my involvement."

The Judge continued, "Inspector, would this be information from your colleagues and, also, from the street, information from your contacts on the streets?" The accused said, "Well, actually, it would also be first-hand information. I have from time to time attempted to see what [the victim] was doing, and I know that she's working some job at Nieman-Marcus and things of that nature, and where her kids attend school. Things of that nature. I have just done that on my own, you know."

- (7) Based on these statements by the accused, the Judge made a very restrictive ruling concerning the information the defendants in the case would be permitted to place before the jury concerning the alleged victim's felony conviction in 1982;

II. OTHER STATEMENTS AND INFORMATION REGARDING THE VICTIM

- (8) The jury convicted the defendants and they appealed. The California Court of Appeal appointed a Superior Court Judge as a Special Master to hold hearings, gather evidence and make findings

of fact in this matter to determine what information was provided to the San Francisco Superior Court Judge regarding the activities of the victim in the strong arm robbery referred to above; the Special Master found that the accused has "actively mislead (the trial judge) with his responses to the court's questions" and the Court of Appeal reversed the conviction on that count; the matter was sent back to the Superior Court for retrial;

(9) The Special Master's finding were based on the information the accused admitted to knowing and acts he took which were not revealed to the Judge in Department 26 of the San Francisco Superior Court to facilitate an informed decision regarding the extent of and admissibility of evidence concerning the victim's background;

(10) The accused knew of the following facts, and made statements regarding his suspicions during the period between the victim's release from prison in 1985 and the robbery in 1989:

A. On July 29, 1986, the victim was present in an apartment which was searched by San Francisco Police Officers; the officers found two bindles of cocaine in the victim's purse; she was arrested and taken to Northern Station where a male also arrested made a written statement that the cocaine found in here purse belonged to him and he had placed it in her purse; the officers decided to release the victim and she was processed as having been detained pursuant to Penal Code Section 849(b);

B. Sometime shortly after July 29, 1986, the accused secured a copy of the police incident report and sent it to the parole officer monitoring the victim;

C. On April 2, 1987, an investigator for the San Francisco Police Department Management Control Division interviewed the accused regarding various allegations of misconduct; during the interview, the accused stated that he believed that he was responsible for the extension of the victim's parole because of his discussions with the parole agent regarding the July 29, 1986 detention; the accused also informed the investigator that he suspected that the victim was still an active drug trafficker; the accused also stated that he had observed the victim with a member of an organized crime family that runs one of the largest cocaine organizations in the United States;

D. On February 3, 1995, the accused was interviewed by Management Control Division investigators in this matter; in that interview, the accused reiterated that he believed that the victim was a "major supplier" of drugs when he was interviewed by the Management Control Division investigator on April 2, 1987;

(11) Despite his knowledge and suspicions, the accused assured the Judge that the victim was leading the straight and narrow life; this precluded the Judge from considering the information and suspicions of the San Francisco Police Department in making his decision concerning admissibility of evidence;

(12) California Penal Code Section 118 provided:

Perjury defined. (a) Every person who, having taken an oath that he or she will testify, declare, depose, or certify truly before any competent tribunal, officer, or person, in any of the cases in which the oath may by law of the State of California be administered, willfully and contrary to the oath, states as true any material

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matter which he or she knows to be false, and every person who testifies, declares, deposes, or certifies under penalty of perjury in nay of the cases in which the testimony, declarations, depositions, or certification is permitted by law of the State of California under penalty of perjury and wilfully states as true and material matter which he or she knows to be false, is guilty of perjury.

- (13) California Penal Code Section 125 provides:

Statement not known to be true. *An unqualified statement of that which one does not know to be true is equivalent to a statement of that which one knows to be false.*

- (14) The accused by misleading a Superior Court Judge while under oath, regarding his actions, knowledge, rumors and suspicions concerning the activities of "the victim", a woman convicted of felony drug trafficking during the period following her imprisonment in 1984 through the date of the *in camera* hearing on December 19 and 20, 1990, acted in violation of California Penal Code sections 118 and 125, has engaged in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, hearings on said charges were held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on February 28, 1996, March 5, 1996 and on Wednesday, May 1, 1996 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Inspector Robert C. Hernandez, Narcotics Division, as contained in Specification No. 1 are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1, be, and the same are hereby dismissed.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedures, section 1094.6.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

AYES: Commissioners Keker, Norman, Wong
RECUSED: Commissioner Hewlett
ABSENT: Commissioner Medina

Prior to adjournment, Commissioner Keker discussed request from the attorney for Marc Andaya regarding continuance and suggested pretrial hearing be held on Wednesday, May 8th, at 5:00 p.m.

Thereafter, the meeting was adjourned at 9:06 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

MAY 7, 1996


SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, in a Special Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong

Government Code Section 54957

Discussion and possible action concerning position of Director, Office of Citizen Complaints, including selection and appointment of new Director of the Office of Citizen Complaints and removal of current Director.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MAY 8, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

SPECIAL MEETING

ROOM 551
5:00 p.m.

PRE-HEARING CONFERENCE

Aaron Williams Incident
938 Harrison Incident

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

DOCUMENTS DEPT.

MAY 06 1996 *File 151*
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AYES: Commissioners Keker, Norman, Wong
RECUSED: Commissioner Hewlett
ABSENT: Commissioner Medina

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Thereafter, the meeting was adjourned at 9:06 p.m.



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MAY 8, 1996**

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

PUBLIC SESSION

**ROOM 551
5:30 p.m.**

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Approval of Minutes of Meetings of February 21st & March 6, 1996
5. Police Commission Report
 - a. Motion of Calendaring of New Items
6. Chief's Report to the Police Commission
7. Presentation to the San Francisco Police Department from Mike Garduno, Secret Service
8. OCC Director's Report to the Police Commission
9. Status Report re: OCC Policy Recommendations
10. Discussion and Action re: Custody Death Task Force Report
11. Discussion and Action re: Proposed Amendment to Police Code Section 2.12
12. Discussion and Action re: Addition of Article 3.01, Permit Regulations for Tow Car Companies, to the San Francisco Municipal Police Code

DOCUMENTS DEPT.

MAY 06 1996

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AYES: Commissioners Keker, Norman, Wong
RECUSED: Commissioner Hewlett
ABSENT: Commissioner Medina

Prior to adjournment, Commissioner Keker discussed request from the attorney for Marc Andaya regarding continuance and suggested pretrial hearing be held on Wednesday, May 8th, at 5:00 p.m.

Thereafter, the meeting was adjourned at 9:06 p.m.



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MAY 1, 1996

13. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
14. Disposition Hearing on Charges Filed Against Officer Ena C. Ferdinand, Support Services
(File Nos. C56-011 & C56-180 RLC)

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Michael J. Freeman v. CCSF, Unlitigated Claim 95-00643, \$9,195.45
 - b. Farmers Insurance Group v. CCSF, Unlitigated Claim 95-01725, \$8,724.00
 - c. USAA Insurance (Insured Wandall, William) v. CCSF, Unlitigated Claim 95-03162, \$8,847.61
 - d. David Puente v. CCSF, Unlitigated Claim 95-01814, \$7,500.00

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

MAY 8, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Hewlett, Medina, Wong
ABSENT: Commissioner Norman

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APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 78-96

MICHAEL J. FREEMAN v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of "Michael J. Freeman v. City and County of San Francisco" in claim 95-00643 for damages sustained, be, and the same is hereby approved.

Date of Incident: July 25, 1995

AYES: Commissioners Keker, Hewlett, Medina, Wong
ABSENT: Commissioner Norman

RESOLUTION NO. 79-96

FARMERS INSURANCE GROUP v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of "Farmers Insurance Group v. City and County of San Francisco" in claim 95-01725 for damages sustained, be, and the same is hereby approved.

Date of Incident: August 29, 1995

AYES: Commissioners Keker, Hewlett, Medina, Wong
ABSENT: Commissioner Norman

RESOLUTION NO. 80-96

USAA INSURANCE V. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of "USAA Insurance v. CCSF" in claim 95-03162 for damages sustained, be, and the same is hereby approved.

Date of Incident: October 23, 1995

AYES: Commissioners Keker, Hewlett, Medina, Wong
ABSENT: Commissioner Norman

RESOLUTION NO. 81-96

DAVID PUENTE v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of "David Puente v. CCSF" in claim 95-01814 for damages sustained, be, and the same is hereby approved.

Date of Incident: October 19, 1995

AYES: Commissioners Keker, Hewlett, Medina, Wong
ABSENT: Commissioner Norman

APPROVAL OF MINUTES OF MEETINGS OF FEBRUARY 21ST & MARCH 6, 1996

Approval of minutes of meetings of February 21st and March 6, 1996, the Commission having received, approved and returned copies of same.

AYES: Commissioners Keker, Hewlett, Medina, Wong
ABSENT: Commissioner Norman

POLICE COMMISSION REPORT

Commissioner Keker announced that the meeting of May 15th will be held at the auditorium and the meeting of the 22nd will be the Seminar on Arbitration, at 5:30 p.m., will also be held at the 6th floor auditorium. He also announced no meeting May 29th.

Commissioner Keker announced the appointment of Mary Dunlap as the new Director of the Office of Citizen Complaints and that she would take over Monday, May 13th.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau stated he had personnel researched into a recent public session complaint regarding suicide in Ingleside Station in 1988. Investigation revealed there was none in 1988 at the Ingleside Station. Chief Lau also reported regarding the Cinco De Mayo celebration and stated no problems. The Chief further stated he attended a School Safety Patrol Awards recently and commended the citizens and members of the department who participated. He also brief the Commission on concerns regarding the Jewish community regarding terrorists and that Deputy Chief Willett and Lieutenant Dillon, Special Investigations Division, briefed the Commission regarding recent measures taken by the department and that an investigation is continuing.

DISCUSSION AND ACTION RE: PROPOSED AMENDMENT TO POLICE CODE SECTION 2.12

and

DISCUSSION AND ACTION RE: ADDITION TO ARTICLE 3.01, PERMIT REGULATIONS FOR TOW CAR COMPANIES, TO THE SAN FRANCISCO MUNICIPAL POLICE CODE

Both put over to June 5th.

PRESENTATION TO THE SAN FRANCISCO POLICE DEPARTMENT FROM MIKE GARDUNO, SECRET SERVICE

Leroy Del Porto, Secret Service, made a presentation to Captain Portoni, of Investigations. Deputy Chief Willett thanked Agent Mike Garduno for their efforts and cooperation with the department for investigations, escorts, presidential visits et cetera.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

No OCC report.

STATUS REPORT RE: OCC POLICY RECOMMENDATIONS

Captain Winters presented OCC Policy Recommendations, and after presentation, John Parker stated that that office concurred with the department's recommendations.

DISCUSSION AND ACTION RE: CUSTODY DEATH TASK FORCE REPORT

Commissioner Keker then turned the chair over to Commissioner Hewlett, who then called on Deputy Chief Holder. Chief Holder gave a report regarding Custody Death Task Force.

Commander Pengel gave the history of the Task Force and asked that the Task

Force now be ended.

Lieutenant Jim Hall and Lieutenant Springer made a presentation regarding history of pepper spray.

Lieutenant George Stasko demonstrated various restraint devices.

Doctor Marshall Isaacs, Director of Paramedic Division, Public Health, commended the Commission and the Task Force for their work. He further discussed emergency care for in-custody treatment. He discussed that excited delirium is not medical syndrome but is an altered mental state with combative behavior.

Lieutenant Al Benner, Department's Psychologist, discussed excited delirium.

Bruce Kapsack, OCC, discussed 26 in-custody deaths in various departments over the last five years.

Officer Tom Shawyer discussed reviewing incidents of in-custody deaths.

Commission breaks from 7:45 to 7:55 p.m.

Commissioner Hewlett thanked members of the Task Force for their efforts and their reports.

Mr. Allen Parachini, ACLU, briefed the Commission regarding concerns for use of pepper spray, hobble restraints and pepper spray as connected to custody deaths and he does not recommend taking pepper spray away from the department as a use but emphasized looking at the restraints being used by the department.

Linda Bray discussed concerns regarding neck restraints.

Lynette Robinson discussed concerns regarding surgical masks not being used in the Aaron Williams case.

Ron Garcia, brother of Mark Garcia, discussed concerns over used of pepper spray and problems with discipline process.

Ashley Porter discussed concerns regarding Aaron Williams matter.

Brian Bringardner discussed concerns.

After discussion, motion by Commissioner Hewlett, second by Commissioner Medina. Commission approved the Task Force report with the recommendations of the Task Force and further intensive training. Approved 4-0.

Commissioner Keker then commended members of the Task Force on their report and presentation.

PUBLIC COMMENTS

Linda Bray discussed concerns regarding Robert Lawrence.

DISPOSITION HEARING ON CHARGES FILED AGAINST OFFICER ENA C. FERDINAND, SUPPORT SERVICES (FILE NOS. C56-011 & C56-180 RLC)

The hearing of Police Officer Ena C. Ferdinand, Support Services, was called it having been set for this date. Officer Ferdinand was charged with violating the Rules and Procedures as follows:

FILE NO. C56-011 RLC

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer truthfully and without evasion when questioned by a superior officer (violation of Rule 21 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to answer truthfully and without evasion when questioned by a superior officer (violation of Rule 21 of General Order 2.01 of the San Francisco Police Department);

FILE NO. C56-180 RLC

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions propounded by a superior officer truthfully (violation of Rule 21 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

in properly verified complaints by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Officer Ena C. Ferdinand appeared in person and was represented by Mr. Randy Knox, Attorney at Law.

Mr. Richard L. Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Attorney Randy Knox admitted to Specifications Nos. 1, 2, and 3 of File No. C56-180 RLC on behalf of Officer Ferdinand. Officer Ferdinand personally admitted the truth of the specifications.

Based on those findings, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Officer Ena C. Ferdinand be terminated; said termination to be held in abeyance for three (3) years and that Officer Ferdinand be suspended for sixty (60) days.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 82-96DECISION - HEARING OF OFFICER ENA C. FERDINAND, SUPPORT SERVICES DIVISION

WHEREAS, on February 28, 1996 and March 21, 1996, Fred H. Lau, Chief of Police and Prentice Sanders, Assistant Chief of Police of the San Francisco Police Department made and served charges against Police Officer Ena C. Ferdinand, as follows:

FILE NO. C56-011 RLCSPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned, Officer Ena C. Ferdinand, Star Number 1555, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Administration Bureau, Support Services Division;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On September 24, 1995, after 0500 hours, the accused was on-duty attending to copying and distribution duties in the Hall of Justice Record Room;

- (4) The accused reported that on September 24, 1995, she became entangled in loose wiring adjacent to a copy machine and subsequently fell. Thereafter, the accused went off-duty;
- (5) The accused was scheduled to report for duty on September 25, 1995 at 0500 hours. The accused failed to report for duty and also failed to notify her commanding officer she would be absent;
- (6) The accused was contacted by telephone on September 25, 1995 after 0800 hours and thereafter responded for duty at 1100 hours;
- (7) The accused, according to Rule 4 of General Order 2.01 of the San Francisco Police Department, had an obligation to report for duty at the time and place required by her assignment. Rule 4 of General Order 2.01 states:

"4. Members shall report on duty at the time and place required by assignment and shall be physically and mentally fit to perform their duties."

- (8) The accused, by failing to report for duty at the time and place required by her assignment, and/or failing to inform her commanding officer that she would be absent, has engaged in conduct which violates Rule 9 of General Order 2.01, which states:

"9. MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2

Failure to answer truthfully and without evasion when questioned by a superior officer (violation of Rule 21 of General Order 2.01 of the San Francisco Police Department);

- (9) Each and every allegation contained in paragraphs (1) through (4), inclusive, of Specification No. 1 above is incorporated herein by reference and is realleged as though set forth in full;
- (10) On September 25, 1995, after reporting for duty, the accused advised a superior officer that she had injured her right wrist and later experienced abdominal cramping and vaginal bleeding. The accused stated that she went to Brookside Hospital where she was advised that she was pregnant and that her fall had aggravated her fetus;
- (11) The true facts are that the accused was not provided any medical attention, testing, or examination at Brookside Hospital emergency room on September 24, 1995;
- (12) The accused, by stating to superior officer that she received medical attention, testing or examination at Brookside Hospital emergency when in fact she did not, has engaged in conduct which violates Rule 21 of General Order 2.01 of the San Francisco Police Department, which states:

"21. COOPERATION WITH INVESTIGATIONS. Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion. Prior to being questioned, the member shall be advised of and accorded all his or her rights mandated by law or Memorandum of Understanding (see DGO 2.08, Peace Officers' Rights)."

SPECIFICATION NO. 3

Failure to answer truthfully and without evasion when questioned by a superior officer (violation of Rule 21 of General Order 2.01 of the San Francisco Police Department);

- (13) Each and every allegation contained in paragraphs (1) through (9), inclusive, of Specification No. 1 and paragraphs (10) through (11), inclusive, of Specification No. 2 above, is incorporated herein by reference and is realleged as though set forth in full;
- (14) On November 21, 1995, after being advised of her rights, was questioned by a Management Control investigator about the injury of September 24, 1995 and treatment subsequently to said injury;
- (15) The accused stated to MCD investigator that on September 24, 1995, she provided a Brookside Hospital emergency room attendant with a urine sample and was informed that she was pregnant. The accused stated that she did not receive any further medical care from Brookside Hospital;
- (16) The true facts are that the accused did not receive medical attention or testing at Brookside Hospital emergency room and was not given a pregnancy test;
- (17) The accused, by stating to Management Control investigator that on September 24, 1995 she received medical attention and/or testing at Brookside Hospital emergency room, when in fact she did not receive any such treatment, has engaged in conduct which violates Rule 21 of the San Francisco Police Department, which states:

"21. COOPERATION WITH INVESTIGATIONS. Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion. Prior to being questioned, the member shall be advised of and accorded all his or her rights mandated by law or Memorandum of Understanding (see DGO 2.08, Peace Officers' Rights)."

FILE NO. C56-180 RLCSPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned, Officer Ena C. Ferdinand, Star Number 1555, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Field Operations Bureau, Southern Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) One June 28, 1995, the accused, while off-duty and wearing civilian attire, went to County Jail Number 1 and gained entrance thereto by identifying herself as a member of the San Francisco Police Department;
- (4) On June 28, 1995, while inside County Jail Number 1, the accused used her position as a member of the San Francisco Police Department in order to curry favor for her boyfriend. Specifically, the accused sought to have her boyfriend's release expedited. In addition, the accused used her position as a police officer to engage in unauthorized and improper visitation with her boyfriend while he was in custody;

- (5) On June 28, 1995, while her boyfriend was in the process of being booked at County Jail Number 1, the accused took possession of personal property belonging to her boyfriend which was in police custody for booking in connection with the arrest. The accused was not authorized to take possession of her boyfriend's property;
- (6) The accused, by using her position as a San Francisco Police officer to gain access to County Jail Number 1, to influence and attempt to expedite the release of her boyfriend, to access and take possession of her boyfriend's personal property, and engaging in unauthorized and improper visitation, has engaged in conduct which violates Rule 9 of General Order 2.01 of the San Francisco Police Department, which states:

"9. MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2

Failure to answer questions propounded by a superior officer truthfully (violation of Rule 21 of General Order 2.01 of the San Francisco Police Department);

- (7) Each and every allegation contained in paragraphs (2) through (5), inclusive, of Specification No. 1 above is incorporated herein by reference and is realleged as though set forth in full;
- (8) At all times herein mentioned, Officer Ena C. Ferdinand, Star Number 1555, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Administration Bureau, Support Services Division;
- (9) On July 11, 1995, the accused was summoned to the Management Control Division to be interviewed regarding Management Control Case #A 323-94/95, which is the subject matter of this disciplinary action. After being informed of her rights, the accused was questioned about events related to her activities at County Jail Number 1 on June 28, 1995;
- (10) During the interview, the accused stated as true that she had advance permission from both jail and police personnel to take possession of her boyfriend's personal property;
- (11) The true facts are that the accused did not have advance permission to take possession of her boyfriend's personal property and her actions were unauthorized and improper;
- (12) Further during the interview, the accused stated that she had run a computer query using her boyfriend's name on one occasion as a training exercise while in the Field Training Officer Program and on another occasion after the arrest of her boyfriend on June 28, 1995;
- (13) The true facts are that the accused made four computer checks using her boyfriend's name prior to June 28, 1995;
- (14) The accused by failing to answer truthfully and without evasion when questioned by a Management Control investigator concerning her accessing and removing her boyfriend's personal property from the booking counter of County Jail Number 1 and about running unauthorized computer queries on her boyfriend, has engaged in conduct which violates Rule 21 of General Order 2.01 of the San Francisco Police Department, which states:

"21. COOPERATION WITH INVESTIGATIONS. Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion. Prior to being questioned, the member shall be advised of and accorded all his or her rights mandated by law or Memorandum of Understanding (see DGO 2.08, Peace Officers' Rights)."

SPECIFICATION NO. 3

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

- (15) Each and every allegation contained in paragraphs one and two of Specification No. 1 above is incorporated herein by reference and is realleged as though set forth in full;
- (16) On January 19, 1993, the San Francisco Police Department published Department Bulletin Number 93-17, restating department policy and State of California policy and law concerning use of department computer terminals connected to the California Law Enforcement Telecommunications System (CLETS); the Bulletin specifically reminded each member that making curiosity queries to the CLETS are grounds for disciplinary action;
- (17) On February 11, 1993, the San Francisco Police Department published Department Bulletin Number 93-38, restating department policy and State of California policy and law concerning use of department computer terminals connected to the California Law Enforcement Telecommunications System (CLETS); the bulletin specifically reminded each member that making curiosity queries to the CLETS are grounds for disciplinary action and possible termination from employment;
- (18) On June 22, 1994, the San Francisco Police Department published Department Bulletin Number 93-132, specifically reminding each member that making curiosity queries to the CLETS are grounds for administrative action or criminal prosecution;
- (19) California Government Code Section 15153 limits use of the CLETS to official business:

"The system shall be under the direction of the Attorney General, and shall be used exclusively for the official business of the state, and the official business of any city, county, city and county, or other public agency."

- (20) Commencing on May 8, 1995, through June 25, 1995, the accused, for personal reasons not connected with her duties as a police officer, queried the CLETS system using her boyfriend's name on at least three occasions;
- (21) Commencing on May 8, 1995, through June 25, 1995, as stated above, the accused used department computer terminals to access the CLETS data bases in violation of San Francisco Police Department policy and procedures, and also in

violation of the California Government Code and the California Penal Code and in violation of the agreement between the State of California and the Police Department governing the use of the CLETS;

- (22) The accused was authorized to access the CLETS for official business reasons connected with her employment as a San Francisco Police Officer, however, the accused was not authorized to access the computer databases included in the CLETS system for her own personal reasons and her conduct in this connection violated Penal Code section 502(c) subdivisions

(2)(3) and (7) which states:

"(c) Except as provided in subdivision (h), any person who commits any of the following acts is guilty of a public offense:

...

(2) Knowingly accesses and without permission takes, copies, or makes use of any data from a computer, computer system, or computer network, or takes or copies any supporting documentation, whether existing or residing internal or external to a computer, computer system, or computer network.

(3) Knowingly and without permission uses or causes to be used computer services.

...

(7) Knowingly and without permission accesses or causes to be accessed any computer, computer system, or computer network."

- (23) The accused, by accessing the CLETS computer data bases to make personal inquiries, has engaged in conduct violating department written orders, Government Code section 15153 and Penal Code section 502 subsections (c)(2), (3) and (7), which subverts the good order, efficiency and discipline of the department and brings discredit on the department constituting a violation of Rule 9 of General Order 2.01 of the San Francisco Police Department, which states:

"9. Misconduct. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, May 8, 1996, where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Ena C. Ferdinand's admission, the Commission finds that the allegations contained in Specification Nos. 1, 2 and 3 of File No. C56-011 RLC are dismissed and the allegations contained in Specification Nos. 1, 2 and 3 of file No. C56-180 RLC are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline:

(FILE NO. C56-011 RLC)

SPECIFICATION NO. 1

Dismissed

SPECIFICATION NO. 2

Dismissed

SPECIFICATION NO. 3

Dismissed

(FILE NO. C56-180 RLC)

SPECIFICATION NO. 1

Sustain

SPECIFICATION NO. 2

Sustain

SPECIFICATION NO. 3

Sustain

Termination from employment. However, termination is to be held in abeyance for a period of three (3) years on the following terms and conditions:

1. Officer Ferdinand serve a sixty (60) day suspension.
2. Officer Ferdinand shall report to the Police Academy upon her return from suspension and commence training with the most advanced recruit class then in session. Officer Ferdinand is required to start and successfully complete the full course of the next Field Training Officer Program starting after her return from suspension. Officer Ferdinand is required to complete the entire Field Training Officer Program, including, all usual and reasonable remediation to assist her. The commanding officer of the Field Training Officer Program shall monitor her progress and determine if she has successfully completed the program. The commanding officer shall notify the Commission of his or her determination and recommendation in writing.

If the commanding officer reports that Officer Ferdinand has failed to successfully complete the program, the Chief of Police requests that the Commission, as a continuation of this disciplinary matter, hold a hearing to determine if the termination should be imposed.

3. Officer Ferdinand not engage in any further violations of Department rules and regulations, including all Academy regulations.

FURTHER RESOLVED, that said sixty (60) days suspension shall commence on Saturday, May 18, 1996, at 0001 hours and terminate on Tuesday, July 16, 1996, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Keker, Hewlett, Medina, Wong
ABSENT: Commissioner Norman

Thereafter, the meeting was adjourned at 9:00 p.m.



Lieutenant Manuel Barrella

Secretary

THE POLICE COMMISSION

MAY. -13' 96 (MON) 15:16 POLICE COMMISSION

TEL: 415 553 1669

P. 002



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MAY 15, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

*** SPECIAL MEETING**

ROOM 551
4:00 p.m.

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JOHN KEKER
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PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

Government Code Section 54957

PERSONNEL MATTER

Interview with Candidate for Position as Staff Attorney for the Office of Citizen
Complaints



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MAY 15, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

*** SPECIAL MEETING**

ROOM 551
5:00 p.m.

PRE-HEARING CONFERENCE

AARON WILLIAMS INCIDENT

Officer Marc Andaya Hearing Scheduled **August 19th**

Sergeant Stephen Zimmerman Hearing Scheduled **October 7th**
Officer Gregory Neal
Officer Gerald Louie
Officer Peter Ionin
Officer Kurt Bozin
Officer Arnaldo Alaman
Officer Catherine Bianchi

Officer Randy Flannery Hearing Scheduled **December 9th**

938 HARRISON STREET INCIDENT

Captain Michael Yalon Hearing Scheduled **weeks of September 9th & 16th**
Lieutenant John Ehrlich
Sergeant John Haggett
Sergeant Stephen Bosshard
Sergeant Ed Santos
Officer Hoyt Wong

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MAY 15, 1996**

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

PUBLIC SESSION

SIXTH FLOOR AUDITORIUM

5:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Roll Call
2. Approval of Consent Calendar
3. Police Commission Report
 - a. Motion of Calendaring of New Items
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Johnny Velasquez, Central Station (File No. 147-94 BSK)
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Gary M. Fagundes, Central Station (File No. C56-099 BSK)
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Harold P. Johnson, Support Services (File Nos. C56-037 & C56-208 JWA)
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Discussion and Action re: Obstruction of Sidewalks
10. Discussion and Action re: Revised Department General Order 5.08, "Non Uniformed Officers"



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MAY 15, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

11. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:

- a. William T. Wandell v. City and County of San Francisco, Unlitigated Claim 95-02387, \$6,333.00

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

American sign language interpreters will be available upon request. Please contact Sgt. Michael Sullivan, at 553 1343, at least 72 hours prior to a proceeding. Late requests will be honored if possible.



A sound enhancement system will be available upon request at the proceeding. Please contact Sgt. Michael Sullivan, at 553 1343 at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Minutes of the proceedings are available in alternative formats. If you require the use of a reader during the meeting, please contact Sgt. Michael Sullivan, at 553 1343 at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554 8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The proceeding will be held at 850 Bryant St. Room 551. The closest accessible BART station is at 5th and Market St. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

For information about MUNI service call 923 6142.



Accessible parking is available in the pay parking lot at the rear of the Hall of Justice, enter on 7th St. south of Harrison St.



Accessible seating for persons with disabilities and wheelchairs will be available.

- For information about the meeting call 553 1667 Voice, or 553 9194 TDD.
San Francisco Police Department

MAY 15, 1996SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant, San Francisco, at 4:00 p.m., in a Special Meeting, Closed Session interview, with Mary Dunlap, for position of OCC Staff Attorney.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina

ABSENT: Commissioner Wong

MAY 15, 1996SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant, San Francisco, at 5:00 p.m., in a Special Meeting

PREHEARING CONFERENCE

Aaron Williams Incident

938 Harrison Street Incident

PRESENT: Commissioners Keker, Norman, Hewlett, Medina

ABSENT: Commissioner Wong

MAY 15, 1996REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant, San Francisco, at 5:50 p.m.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina

ABSENT: Commissioner Wong

RESOLUTION NO. 89-96WILLIAM T. WANDELL v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "William T. Wandell v. City and County of San Francisco" in Unlitigated Claim #95-02687 for damages sustained, be, and the same is hereby approved.

Date of Incident: October 23, 1995

AYES: Commissioners Keker, Norman, Hewlett, Medina

ABSENT: Commissioner Wong

POLICE COMMISSION REPORT

Commissioner Hewlett asked for a report on the staffing of Domestic Violence Unit be on the calendar for June 5th.

RESOLUTION NO. 85-96ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR
TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER
JOHNNY VELASQUEZ, CENTRAL STATION, (FILE NO. 147-94 BSK)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Johnny Velasquez, Central Station, was called it having been set for this date; and

WHEREAS, Commissioner Jose Medina is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Velasquez; therefore be it

RESOLVED, that Commissioner Medina is hereby assigned to conduct taking

of evidence in the disciplinary charges filed against Officer Johnny Velasquez and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

RESOLUTION NO. 86-96

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR
TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER GARY
M. FAGUNDES, CENTRAL STATION (FILE NO. C56-099 BSK)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Gary M. Fagundes, Central Station, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Fagundes; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Gary M. Fagundes and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

RESOLUTION NO. 87-96

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR
TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER
HAROLD P. JOHNSON, SUPPORT SERVICES (FILE NOS. C56-037 &
C56-208 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Harold P. Johnson, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Johnson; therefore be it

RESOLVED, that Commissioner Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Harold P. Johnson and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

CHIEF'S REPORT TO THE POLICE COMMISSION

No Chief's report.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, new Director OCC, said that she was reviewing officers' procedures and also looking at staff attorney position to be filled as soon as possible and also reviewing the budget.

DISCUSSION AND ACTION RE: OBSTRUCTION OF SIDEWALKS

Judy Appel, Coalition on Homeless, made presentation to the Commission regarding problems of the homeless; presented a video and requested change in department policy on dealing with the homeless. She also asked to reinstate 1990

version of the general order dealing with the homeless.

Bill Hower, President, Haight Ashbury Improvement Association, suggested that the police be given more discretion in dealing with situations and also asked that General Order 6.11 be revised.

Gayle Dacron, Attorney, discussed cases dismissed by the district attorney.

Matthew Dodd, Coalition on Homeless, discussed concerns.

Sister Bennie Galvin, Religious Witness, asked to end discrimination against homeless people.

Father Louis Vitale asked the Commission find a solution on dealing with the homeless.

Frank Santiago discussed problems with youth blocking sidewalks and crime in the area of Height & Ashbury.

Arthur Evans, Haight Ashbury resident, urges support for police.

Patricia Vesti discussed stop harassing homeless.

Jeremy Gramh read a letter from homeless woman regarding concerns.

Joyce Miller, Violence Prevention Coalition, supports Coalition on Homeless recommendation.

Rene Francisco discussed concerns regarding citations to the homeless.

Tony Gardner, Attorney, discussed cost factor in enforcing the homeless issues.

Robert Garcia, Save Our Streets, asked for support for the police.

Jason Albertson, Continuum of Care, asked the Commission restore the previous policy on dealing with the homeless.

Donna Gault, Haight Ashbury Neighborhood Council, supports Coalition on Homeless recommendations and suggested that department spend more emphasis on enforcing violent crime.

Jeff Rubenstein addressed the Commission regarding concerns.

Andrea Goode, Coalition on Homeless, read letter from Mr. Raymond Van Horne.

Commission took break from 7:20 p.m. to 7:30 p.m.

Steven Cornell, Business Owner Polk Street area, supports police.

David Heller, President Geary Merchants Association, presented a petition to let police enforce homeless issues.

Christine Pursell, homeless person, recommended stopping enforcement.

Mara Ritter, Coalition on Homeless, presented a declaration on citation recommendations.

Karen Cromie, Haight Ashbury, recommended giving police discretion on enforcement.

Marty Dean, Security Manager, St. Francis Hotel, supports police.

Eileen Long, business owner Haight Street, supports the police.

Frank Martin Del Campo, Local 790, discussed his concerns.

Alisandra Vicari, Fisherman's Wharf, supports police.

Bob Larvie, Northbeach business owner, discussed concerns regarding homeless problems, law enforcement issues and recommended giving more discretion to police.

Marcia Garland, Executive Director Northbeach Chamber of Commerce, supports the police and recommended a program that would work with police.

Walter Pastori, Northbeach business owner, supports police.

Joe Heshman against actions of police.

Marv Warren, President Polk Street Association, supports police.

Alison Bernstein, Public Defenders Office, against any change.

Brian Gains, Height Ashbury business owner, recommended city agencies work together on this issue.

Barbara Thomson, supports the police and recommends discretion in using enforcement.

Steve Johnson, POA, discussed concerns regarding department.

Captain Jim Long, Park Station, discussed General Order 6.11, stated it was confusing for officers and needed revision. He also presented a signed petition presented to him by merchants in the area.

Commissioner Norman discussed the need for coordination of various groups regarding problems and that the policy needed to be clarified.

Commissioner Medina discussed his concerns and Commissioner Hewlett stated

that the department needed clear direction in dealing with the homeless issue.

**DISCUSSION AND ACTION RE: REVISED DEPARTMENT GENERAL
ORDER 5.08, "NON UNIFORMED OFFICERS"**

Motion by Commissioner Hewlett, second by Commissioner Norman.
Approved 4-0.

RESOLUTION NO. 88-96

**ADOPTION OF REVISED GENERAL ORDER 5.08, "NON UNIFORMED
OFFICERS"**

RESOLVED, that the Police Commission hereby adopts revised General Order 5.08, "Non Uniformed Officers".

AYES: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

PUBLIC COMMENTS

None.

Thereafter, the meeting was adjourned at 9:05 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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5/22/96

Special



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, MAY 22, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

Room 551
5:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
 - a. Motion of Calendaring of New Items
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Anthony Damato, Northern Station (File No. 0086-95 BSK)
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Chester H. Banks, Potrero Station (File No. C56-221 JWA)
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

that the department needed clear direction in dealing with the homeless issue.

**DISCUSSION AND ACTION RE: REVISED DEPARTMENT GENERAL
ORDER 5.08, "NON UNIFORMED OFFICERS"**

Motion by Commissioner Hewlett, second by Commissioner Norman.
Approved 4-0.

RESOLUTION NO. 88-96



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, MAY 22, 1996

CONSENT CALENDAR

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Request of the Chief of Police for Approval to Accept Donation of the following Prizes for the "Name the Police Boat Contest":
 - a. Four tickets for an upcoming S.F. Giants Game
 - b. A Personal "Behind the Scenes" Tour of the S.F. Zoo for the winner and his/her family
 - c. Four tickets to the "California Academy of Sciences" including the Steinhart Aquarium, Morrison Planetarium & the Natural History Museum
 - d. Two tickets to "The Exploratorium"
 - e. Six Tickets to a "Bay Cruise" with the Blue and Gold Fleet
 - f. Four Tickets to "Underwater World Aquarium" at Pier 39

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE, OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

that the department needed clear direction in dealing with the homeless issue.

**DISCUSSION AND ACTION RE: REVISED DEPARTMENT GENERAL
ORDER 5.08, "NON UNIFORMED OFFICERS"**

Motion by Commissioner Hewlett, second by Commissioner Norman.
Approved 4-0.

RESOLUTION NO. 88-96



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
SPECIAL MEETING OF THE POLICE COMMISSION
WEDNESDAY, MAY 22, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

SIXTH FLOOR AUDITORIUM
6:00 p.m.

SEMINAR

Arbitration of Disciplinary Cases Involving Police Officers

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

MAY 22, 1996

SEMINAR

Mayor Willie L. Brown, members of the Police Commission and the Police Officers' Association invite you to attend a semina on Discipline Arbitration in cases involving police officers on Wednesday, May 22, 1996 at 6:00 p.m., at the 6th Floor Auditorium in the Hall of Justice (850 Bryant Street).

The purpose of the semina is to provide information about how discipline arbitration works in a police setting. No action will be taken by the Police Commission on May 22nd.

Professor Joe Grodin, former Justice on the California Supreme Court, will chair the seminar. We expect that arbitrators John Kager & Bonnie Bogue will also be present to provide information on discipline arbitration as it involves police officers.

PRESENT: Commissioners Keker, Norman, Hewlett, Wong, Medina

MAY 23, 1996

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:10 p.m. in a Special Meeting.

Government Code Section 54956.9

CONFERENCE WITH LEGAL COUNSEL
Report on Existing Litigation

Case(s) unspecified to protect settlement posture.

Thereafter the meeting was adjourned.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
* **SPECIAL MEETING OF THE POLICE COMMISSION**
THURSDAY, MAY 23, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

CLOSED SESSION

ROOM 551
5:00 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

Government Code Section 54956.9

CONFERENCE WITH LEGAL COUNSEL
Report on Existing Litigation

Case(s) unspecified to protect settlement posture.

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

**CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING**

There will be no Police Commission Regular Meeting on Wednesday, May 29, 1996.
The next Police Commission Meeting will be on Wednesday, June 5, 1996, at the
Hall of Justice, 850 Bryant Street, Room 551, at 5:30 p.m.

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

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6/5/96

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JUNE 5, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

CLOSED SESSION

Room 505-2
5:15 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

Canceled per
fax 5/31/96

Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:

- a. Tracy Bridgewater v. CCSE, et al. S.F. Superior Court No. 971-635
- b. Gary Sargent v. CCSE. U.S. District Court No. C94-3551
- c. Edward Everett-Ronning v. CCSE. S.F. Superior Court No. 965-789

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JUNE 5, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

*** SPECIAL MEETING**

Room 551
5:20 p.m.

JOHN KEEFER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

THOMAS J. CAHILL
Secretary

Swearing-in of Director of the Office of Citizen Complaints
Mary Dunlap

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JUNE 5, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

Room 551
5:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
 - a. Motion of Calendaring of New Items
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Robert L. Hart, Tenderloin Task Force (File No. C56-208 JWA)
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Presentation of San Francisco Police Department Domestic Violence Unit Organizational Plan
9. Presentation by Mr. Ben Dorcy to Demonstrate the "Breath of Life" CPR Kit
10. Request of the Chief of Police for Approval to Apply for, Accept, and Expend Funds from the California Office of Criminal Justice Planning (OCJP) to Implement the Operation Revitalization - "Weed & Seed" Program
11. Request of the Chief of Police for Approval to Apply for, Accept, and Expend Funds from the OCJP to Conduct the Anti-Drug Abatement Enforcement Program

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JUNE 5, 1996**

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

12. Discussion and Action re: Proposed Ordinance for the Addition of Article 30.1, Permit
Regulations for Tow Car Companies, to the San Francisco Municipal Police Code LT. MANUEL BARRETTA
Secretary
13. Discussion and Action re: Proposed Amendment to Police Code Section 2.12, Power of
Revocation, to the San Francisco Municipal Police Code
14. Public Comments
(Members of the public may address the Commission for up to 3 minutes for
individuals or up to 5 minutes for groups. The President of the Commission may
limit the total testimony time.)
15. Disposition Hearing on Charges Filed Against Officer Roy Michael Ramos, Tenderloin
Task Force (File No. C56-143 JWA)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation by Mr. Ned Martin of a
Nine Year Old Gelding (Tennessee Walker) to be Utilized by the Mounted Unit
2. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Tracy Bridgewater v. CCSE, et al. S.F. Superior Court No. 971-635 \$18,000.00
 - b. Gary Sargent v. CCSE, U.S. District Court No. C94-3551 \$20,000.00
 - c. Edward Everett-Ronning v. CCSE, S.F. Superior Court No. 965-789 \$30,000.00

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.**

JUNE 5, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, San Francisco, at 5:55 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Hewlett, Medina, Wong

ABSENT: Commissioner Keker

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Medina, second by Commissioner Wong. Approved 4-0. Settlement claims put over one week.

RESOLUTION NO. 99-96

APPROVAL TO ACCEPT DONATION BY MR. NED MARTIN OF A NINE YEAR OLD GELDING (TENNESSEE WALKER) TO BE UTILIZED BY THE MOUNTED UNIT

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation by Mr. Ned Martin of a nine year old Gelding (Tennessee Walker) to be utilized by the Mounted Unit.

AYES: Commissioners Norman, Hewlett, Medina, Wong

ABSENT: Commissioner Keker

POLICE COMMISSION REPORT

Commissioner Norman stated that prior to the meeting, Mary Dunlap was sworn in as the new Director of OCC, at the 6th floor auditorium.

Commissioner Hewlett asked that two items be calendared for July 10th; the status of Consent Decree and update regarding Affirmative Action plan. She also commended the organization committee and commended the members involved in the recent picnic hosted by the Police Department at the range. She hopes and recommends that it be done regularly and become a department tradition.

RESOLUTION NO. 93-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER ROBERT L. HART, TENDERLOIN TASK FORCE (FILE NO. C56-208 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Robert L. Hart, Tenderloin Task Force, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Hart; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Robert L. Hart and is to be set at a later date.

AYES: Commissioners Norman, Hewlett, Medina, Wong

ABSENT: Commissioner Keker

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau discussed the picnic, thanked the members involved in coordinating and stated that the picnic was a success and it was a well attended event by police department families and others. He also stated the swearing-in of new sergeants would take place on June 13th, 1:00 p.m., Herbst Theater. He also stated that the Carnival

went very well and there was no significant incidents. He discussed the budget and stated that the department is awaiting review of the Board of Supervisors. The Chief also stated that Monday, there was a mini FRET program in which 50 arrests were made for parole violations and that 23 were sent directly back to San Quentin for violations.

Commissioner Norman discussed that the walkathon was a success and recommended planning for next year.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, OCC Director, stated she has hired a new staff attorney, Diane Chin. She would be coming on board soon. Director Dunlap also stated she reviewed the budget and was happy with it.

Commissioner Hewlett stated she is familiar with Diane Chin and has know her and commended her for coming on board to the OCC.

PRESENTATION OF SAN FRANCISCO POLICE DEPARTMENT DOMESTIC VIOLENCE UNIT ORGANIZATIONAL PLAN

Lieutenant Sandy Tong, Domestic Violence Response Unit, gave the history f the unit and stated she presently has six investigators and discussed department and community training. She hopes to fully increase the unit to 13 investigators sometime around June 15th. Lieutenant Tong further discussed lack of adequate office space and stated that the office hopes to move to another larger office sometime in September.

Commissioner Hewlett discussed concerns regarding the case load with 13 investigators.

Lieutenant Tong stated that there will be training at the district stations beginning in July for supervisors on how to deal with domestic violence response.

Commissioner Hewlett asked for a progress report in September.

Rosario Navarette, Commission on Status of Women, discussed concerns and need for more staffing.

PRESENTATION BY MR. BEN DORCY TO DEMONSTRATE THE "BREATH OF LIFE" CPR KIT

Mr. Ben Dorcy made the presentation to the department.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE CALIFORNIA OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO IMPLEMENT THE OPERATION REVITALIZATION - "WEED & SEED" PROGRAM

and

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE OCJP TO CONDUCT THE ANTI-DRUG ABATEMENT ENFORCEMENT PROGRAM

Sergeant John Bisordi presented the applications. Motion by Commissioner Medina, second by Commissioner Wong. Approved 3-0. Commissioner Hewlett recused herself as she is a member of the OCJP.

RESOLUTION 94-96

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY, ACCEPT AND EXPEND FUNDS FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO IMPLEMENT THE OPERATION REVITALIZATION - "WEED & SEED" PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply, accept and expend funds from the Office of Criminal Justice Planning (OCJP) to implement the Operation Revitalization - "Weed & Seed" Program.

AYES: Commissioners Norman, Medina, Wong
 ABSENT: Commissioner Keker
 ABSTAIN: Commissioner Hewlett

RESOLUTION 95-96

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY, ACCEPT AND EXPEND FUNDS FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO CONDUCT THE ANTI-DRUG ABATEMENT ENFORCEMENT PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply, accept and expend funds from the Office of Criminal Justice Planning (OCJP) to conduct the Anti-Drug Abatement Enforcement Program.

AYES: Commissioners Norman, Medina, Wong
 ABSENT: Commissioner Keker
 ABSTAIN: Commissioner Hewlett

DISCUSSION AND ACTION RE: PROPOSED ORDINANCE FOR THE ADDITION OF ARTICLE 30.1, PERMIT REGULATIONS FOR TOW CAR COMPANIES, TO THE SAN FRANCISCO MUNICIPAL POLICE CODE

Captain David Maron made presentation. Motion by Commissioner Hewlett, second by Commissioner Medina. Approved 4-0.

RESOLUTION NO. 96-96

APPROVAL OF PROPOSED ORDINANCE FOR THE ADDITION OF ARTICLE 30.1, PERMIT REGULATIONS FOR TOW CAR COMPANIES, TO THE SAN FRANCISCO MUNICIPAL POLICE CODE

WHEREAS, the San Francisco Police Department frequently receives complaints from the public of overcharging, fraud, and theft by tow car companies; and

WHEREAS, the public should be entitled to protection from dishonest tow car company practices; and

WHEREAS, Article 30 of the San Francisco Police Code regulates tow car operators, but not tow car companies; and

WHEREAS, this gap in the law has left the public without adequate protection against tow car company misconduct; now, therefore be it

RESOLVED, that the San Francisco Police Commission hereby requests the Board of Supervisors of the City and County of San Francisco to add Article 30.1, Permit Regulations for Tow Car Companies, to the San Francisco Municipal Police Code, which will allow Police Department regulation of local tow car companies, and amend Article 1, Sections 2.26 and 2.27, of the San Francisco Municipal Police Code, to include tow car company filing and license fees when those fees are established.

AYES: Commissioners Norman, Hewlett, Medina, Wong
 ABSENT: Commissioner Keker

DISCUSSION AND ACTION RE: PROPOSED AMENDMENT TO POLICE CODE SECTION 2.12, POWER OF REVOCATION, TO THE SAN FRANCISCO MUNICIPAL POLICE CODE

Captain David Maron made presentation. Motion by Commissioner Hewlett, second by Commissioner Wong. Approved 4-0.

RESOLUTION NO. 97-96

APPROVAL OF PROPOSED AMENDMENT TO POLICE CODE SECTION 2.12, POWER OF REVOCATION, TO THE SAN FRANCISCO MUNICIPAL POLICE CODE

WHEREAS, the San Francisco Police Department frequently receives applications for reinstatement of revoked permits; and

WHEREAS, the applications for reinstatement are often filed immediately after the effective revocation date of said permit; and

WHEREAS, Municipal Code, Part III, Article 1, Section 31, demands that one year must pass before reapplication from a denied permit, but is silent on the issue of the period of time that must expire before a revoked permit may be reapplied for; and

WHEREAS, this oversight has left the Police Department with a duty to receive and consider permit reapplications immediately after revocation; now therefore be it

RESOLVED, that the San Francisco Police Commission hereby requests the Board of Supervisors of the City and County of San Francisco amend Municipal Police Code Section 2.12, Power of Revocation, which will demand a one year waiting period before reapplication for a revoked permit.

AYES: Commissioners Norman, Hewlett, Medina, Wong
ABSENT: Commissioner Keker

PUBLIC COMMENTS

Linda Bray discussed the matter of Robert Lawrence.

HEARING OF POLICE OFFICER ROY MICHAEL RAMOS, TENDERLOIN TASK FORCE (FILE NO. C56-143 JWA)

The hearing of Police Officer Roy Michael Ramos, Tenderloin Task Force, was called it having been set for this date. Officer Ramos was charged in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to maintain himself in a fit condition while carrying a firearm off-duty (violation of Rule 3 of Department General Order 2.01 and Rule I-A-3 of Department General Order 2.02 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

Officer Roy Michael Ramos appeared in person and was represented by Sergeant Steve Johnson, Police Officers Association.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Sergeant Johnson entered a plea of guilty on Specifications Nos. 1 and 2 on behalf of Officer Ramos. Officer Ramos personally affirmed entry of guilty plea in these matters.

Based on Officer Ramos' guilty plea, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the

Chief that Officer Ramos be terminated; said termination to be held in abeyance for two years. Sixty (60) day suspension; enrollment in the Department's General Order 11.11 program; behavior modification counseling with and under the direction of the Department's psychologist, specifically emphasizing dealing with people in a humane manner and transfer from Tenderloin Task Force to a different station.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 98-96

**DECISION - HEARING OF OFFICER ROY MICHAEL RAMOS,
TENDERLOIN TASK FORCE**

WHEREAS, on April 3, 1996, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Roy Michael Ramos, as follows:

SPECIFICATION NO. 1

Failure to maintain himself in a fit condition while carrying a firearm off-duty (violation of Rule 3 of Department General Order 2.01 and Rule I-A-3 of Department General Order 2.02 of the San Francisco Police Department);

- (1) At all times herein mentioned Roy Michael Ramos, Star Number 2218, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department assigned to the Tenderloin Task Force of the Field Operations Bureau;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On November 6, 1995, between 1730 and 2038 hours, the accused was off-duty dressed in civilian clothes; the accused at all times mentioned was carrying a loaded 9mm Glock handgun; the accused started drinking at a bar on the 600 block of Geary Street at 1730 or 1800 hours; after drinking a large quantity of beverage alcohol at the bar on Geary Street, at about 2030 hours, the accused left the bar and drove his automobile to the vicinity of Polk Street and Geary Streets;
- (4) After exiting his automobile, the accused encountered three men on the sidewalk near that location; the accused and the three men became embroiled in a dispute when the accused refused to comply with their request for money; the accused informed the three men that he was a police officer, removed his handgun from its holster and told the men he would arrest them;
- (5) Three different people called 911 to report the incident; responding officers located the accused and disarmed him;
- (6) The accused explained to investigating officers that he had driven his automobile to the vicinity of the incident; the accused exuded the odor of alcohol; the investigating officers requested that a supervisor respond to the scene; the supervisor responded and notified the Management Control Division of this matter; an investigator from the Management Control Division then responded to the scene of the incident to conduct an administrative investigation;
- (7) The Management Control Division investigator required the accused to submit a urine sample for testing; the accused cooperated and at 2355 hours provided a urine sample; the urine sample was tested by Chemical Toxicology Incorporated and the accused's urine indicated that the

accused was operating his automobile and carrying a concealable handgun with a blood alcohol level in excess of .20 percent by weight;

- (8) San Francisco Police Department General order 2.02, I-B-1 defines intoxication:

"B. DEFINITIONS

1. INTOXICATION: Shall mean a member is unable to perform his/her duties because of the consumption or ingestion of alcohol. A member shall be deemed intoxicated if the member has .04 percent or more by weight of alcohol in his/her blood."

- (9) The accused by carrying a loaded concealable weapon with him while he was drinking to the extent that he became intoxicated, failed to follow department policy and procedures set forth in department general order in violation of Rule 3 of Department General Order 2.01, which states:

"MAINTAINING FIT CONDITION. Officers shall, while carrying a firearm off-duty or while acting in the capacity of peace officer, maintain themselves in a fit condition to perform police duties."

- (10) The accused, by carrying a loaded handgun while off-duty and intoxicated, violated Rule 3 of Department General Order 2.01 and Rule I-A-3 of Department General order 2.02, which states:

"OFF DUTY. A member, while off-duty and carrying a weapon, shall not consume alcoholic beverages to the extent that he/she becomes intoxicated."

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

- (11) Paragraphs 1 through 10 of Specification No. 1, above, are realleged as though set forth in full;
- (12) California Vehicle Code §23152(a) prohibits the operation of a motor vehicle on the streets or highways in California while under the influence of alcohol or drugs; California Vehicle Code §23152(b) prohibits operation of a motor vehicle on the streets or highways in California with 0.08 percent of alcohol in his or her blood, by weight;
- (13) The accused, by operating a motor vehicle while under the influence of alcohol, engaged in conduct which violates California Vehicle Code §23152(a) and §23152(b), in violation of Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, June 5, 1996, where the matter was submitted to the Police Commission

for decision; and

WHEREAS, based on Officer Roy Michael Ramos' plea of guilty, the Commission finds that the allegations contained in Specifications Nos. 1 and 2, as preferred by Chief of Police Fred H. Lau against Officer Roy Michael Ramos are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain

SPECIFICATION NO. 2

Sustain

RESOLVED, that Officer Roy Michael Ramos be terminated; said termination to be held in abeyance for two (2) years; that he serve a sixty (60) day suspension; enrollment in the Department's 11.11 program under the supervision of the Commanding Officer of Personnel Division; Behavior modification counseling with and under the direction of the Department's Psychologist, specifically emphasizing dealing with people in a humane manner; and transfer to a different station from the Tenderloin Task Force.

FURTHER RESOLVED, that said sixty (60) day suspension commence on Saturday, June 29, 1996, at 0001 hours and terminate on Wednesday, August 28, 1996, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES:	Commissioners Norman, Hewlett, Medina, Wong
ABSENT:	Commissioner Keker

Thereafter, the meeting was adjourned at 7:05 p.m.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JUNE 12, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

Room 551
5:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
 - a. Notification of Resignation of Officer Anthony M. Oakley
(File No. C56-021 RLC)
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges
Filed Against Officer Davin Cole, Ingleside Station (File No. C0291-95 BSK)
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion and Action re: Revised General Order 6.13, "Prejudice-Based Incidents"
9. Discussion and Action re: Revised General Order 10.07, "Use of Cellular Telephones"
10. Public Comments
(Members of the public may address the Commission for up to 3 minutes for
individuals or up to 5 minutes for groups. The President of the Commission may
limit the total testimony time.)

for decision; and

WHEREAS, based on Officer Roy Michael Ramos' plea of guilty, the Commission finds that the allegations contained in Specifications Nos. 1 and 2, as preferred by Chief of Police Fred H. Lau against Officer Roy Michael Ramos are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, JUNE 12, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of Utility Vehicles from the Department of Defense
2. Request of the Chief of Police for Approval of Report of Expenditures from the Chief's Contingent Fund for the Months of March and April, 1996

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco Administrative Code)

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APR 09 1998

SAN FRANCISCO
PUBLIC LIBRARYJUNE 12, 1996REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, San Francisco, at 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Hewlett, Medina, Wong

ABSENT: Commissioner Keke, Norman

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Medina, second by Commissioner Wong. Approved 3-0.

RESOLUTION NO. 103-96APPROVAL OF ACCEPT DONATION OF UTILITY VEHICLES FROM THE DEPARTMENT OF DEFENSE

WHEREAS, the San Francisco Police Department is in need of utility vehicles to be available in emergency situations; and

WHEREAS, the Department of Defense has offered to lend the following vehicles valued at no costs to the Police Department:

VIN #1GCCS14E2H8125100, Year 1986, Make of Vehicle Chevrolet, Series or Model S-10, Body style Utility, Value \$1,750, Odometer Disclosure Statement 28, 031

VIN #1GCCS14E3H8125509, Year 1986, Make of Vehicle Chevrolet, Series or Model S-10, Body style Utility, Value \$1,750, Odometer Disclosure Statement 35, 951

VIN #1GTBS14E9H8526185, Year 1987, Make of Vehicle GMC, Series or Model Sierra S-15, Body style Utility, Value \$2,100, Odometer Disclosure Statement 35,967

VIN #2B7HB23H9FK228970, Year 1985, Make of Vehicle Dodge Chrysler, Series or Model RAM 250, Body style Utility, Value \$3,625, Odometer Disclosure Statement 26,419

VIN #2B7HB23HOFK230087, Year 1985, Make of Vehicle Dodge Chrysler, Series or Model RAM 250, body style Utility, Value \$3,625, Odometer Disclosure Statement 55, 994

VIN #1GCGG35M207186916, Year 1983, Make of Vehicle GMC, Series or Model Chevrolet VAN, Body style Utility, Value \$2,700, Odometer Disclosure Statement 38,279

VIN #1GCGP32M9F3307671, Year 1985, Make of Vehicle GMC, Series or Model Chevrolet Step Van, Body style Utility, Value \$2,925, Odometer Disclosure Statement 44,571

VIN #2GCGG3IM8F4116061, Year 1985, Make of Vehicle GMC, Series or Model Chevrolet Step Van, Body style Utility, Value \$2,925, Odometer Disclosure Statement 49,112

VIN #1G8ED18J8GF206584, Make of Vehicle Chevy Blazer, Value \$4,625

VIN #1G8ED18J8FF202257, Make of Vehicle Chevy Blazer, Value \$4,625

VIN #1G8ED18KXFF143535, Make of Vehicle Chevy Blazer, Value \$4,625

VIN #1G8ED18J2FF145246, Make of Vehicle Chevy Blazer, Value \$4,625

VIN #1G8ED18J1FF143875, Make of Vehicle Chevy Blazer, Value \$4,625

VIN #1G8ED18J3FF146423, Make of Vehicle Chevy Blazer, Value \$4,625

VIN #1GCHD34JXFF404411, Make of Vehicle Chevy Ambulance, Value \$3,400

VIN #1GCHD34J2EF333140, Make of Vehicle Chevy Ambulance, Value \$3,400

WHEREAS, there are no costs involved to obtain these vehicles from the Department of Defense; and

WHEREAS, the vehicles must be used for law enforcement purpose and must be returned to the Department of Defense when they are no longer used by the Police Department; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco authorizes the Chief of Police to accept, on behalf of the San Francisco Police Department, utility vehicles from the Department of Defense; and

FURTHER RESOLVED, that the Police Commission of the City and County of San Francisco authorizes the Chief of Police to accept, on behalf of the San Francisco Police Department, a gift of utility vehicles from the Department of Defense.

AYES: Commissioners Hewlett, Medina, Wong
ABSENT: Commissioners Keker, Norman

RESOLUTION NO. 104-96

**APPROVAL OF REPORT OF EXPENDITURES FROM THE CHIEF'S
CONTINGENT FUND FOR THE MONTHS OF MARCH AND APRIL, 1996**

RESOLVED, that the Police Commission hereby approves the report of expenditures from the Chief's Contingent Fund for the months of March and April, 1996.

AYES: Commissioners Hewlett, Medina, Wong
ABSENT: Commissioners Keker, Norman

RESOLUTION NO. 101-96

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR
TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER DAVIN
COLE, INGLESIDE STATION (FILE NO. C0291-95 BSK)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Davin Cole, Ingleside Station, was called it having been set for this date; and

WHEREAS, Commissioner John Keker is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Cole; therefore be it

RESOLVED, that Commissioner Keker is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Davin Cole and is to be set at a later date.

AYES: Commissioners Hewlett, Medina, Wong
ABSENT: Commissioners Keker, Norman

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau reported there was a visit by President Clinton last weekend, all went well. The Chief also updated the Commission and stated he was proceeding with the recommendations of the Custody Death Task Force regarding bookings, etc.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, OCC Director, stated case load is proceeding and that statistical report be calendar July 3rd. She also indicated funding for additional investigators was approved but wouldn't happen until after July 1st.

Diane Chin discussed the Mediation Program and was also reviewing disciplinary cases and preparing for hearings.

**DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 6.13,
"PREJUDICE-BASED INCIDENTS"**

Motion by Commissioner Medina, second by Commissioner Wong. Approved
3-0.

RESOLUTION NO. 102-96

**ADOPTION OF GENERAL ORDER 6.13, "PREJUDICE-BASED
INCIDENTS"**

RESOLVED, that the Police Commission hereby adopts General Order 6.13,
"Prejudice-Based Incidents".

AYES: Commissioners Hewlett, Medina, Wong
ABSENT: Commissioners Keker, Norman

**DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 10.07, "USE
OF CELLULAR TELEPHONES"**

Put over to July 3rd.

PUBLIC COMMENTS

None.

Thereafter, the meeting was adjourned.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

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JUN 14 1996
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**CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING**

JOHN KEEFER
President

FAT MURMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS P. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

There will be no Police Commission Regular Meeting on Wednesday, June 19, 1996.
The next Police Commission Meeting will be on Wednesday, June 26, 1996, in the
Northern District, to be held at St. Mary's Cathedral, 1111 Gough Street, at
6:00 p.m.

*Commissioner Hewlett arrived at 6:20 a.m.



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JUNE 26, 1996**

***NORTHERN DISTRICT
St. Mary's Cathedral
1111 Gough Street
San Francisco, CA***

6:00 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
 - a. Notification of Resignation of Officer Donnie Cartwright
(File No. C45-284 RLC)
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Lawrence T. Chan, Central Station
(File No. C56-213 JWA)
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Michael R. Robison, Mission Station
(File No. C0291-95 BSK)
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Captain Richard Cairns, Commanding Officer Northern Station, to Address the Commission on Police Activities in the Northern District
10. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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*Commissioner Hewlett arrived at 6:20 a.m.



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, JUNE 26, 1996

CONSENT CALENDAR

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Request of the Chief of Police for Approval of Taxicab Owner's Permit for Mr. Vladimir Okun

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

*Commissioner Handlett arrived at 6:20 a.m.

SF

P 45

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6/26/96



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JUN 25 1996

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POLICE COMMISSION MEETING

Wednesday, June 26, 1996 6 PM

ST. MARY'S CATHEDRAL
1111 Gough St.

Public welcome, come and meet *your*
Police Commissioners!

Hosted by Captain Richard Cairns

JUNE 26, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Northern District at St. Mary's Cathedral, 1111 Gough Street, San Francisco, at 6:05 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Medina, Wong

ABSENT: Commissioner Hewlett*

*Commissioner Hewlett arrived at 6:30 p.m.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO.107-96

APPROVAL OF TAXICAB OWNER'S PERMIT FOR MR. VLADIMIR OKUN

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that the above named individual, based on his application and the San Francisco Permit Bureau certifications, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Vladimir Okun.

AYES: Commissioners Keker, Norman, Medina, Wong

ABSENT: Commissioner Hewlett

POLICE COMMISSION REPORT

- a. Notification of Resignation of Officer Donnie Cartwright
(File No. C45-284 RLC)

RESOLUTION NO. 105-96

**RESIGNATION OF OFFICER DONNIE CARTWRIGHT, MISSION STATION
(FILE NO. C45-284 RLC)**

WHEREAS, on June 22, 1995, Anthony Ribera, Former Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Donnie Cartwright, Mission Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

and

WHEREAS, the Police Department was in receipt of the resignation of Police Officer Donnie Cartwright from the San Francisco Police Department, said resignation effective close of business June 18, 1996; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Donnie Cartwright, be, and the same are hereby continued off calendar.

AYES: Commissioners Keker, Norman, Medina, Wong
ABSENT: Commissioner Hewlett

Commissioner Keker greeted the audience and described responsibilities of the Commission and introduced the command staff.

Commissioner Medina stated that he must live early to attend a vigil at Precita Park for victims of shooting that had occurred.

RESOLUTION NO. 106-96

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR
TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER
LAWRENCE T. CHAN, CENTRAL STATION (FILE NO. C56-213 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Lawrence T. Chan, Central Station, was called it having been set for this date; and

WHEREAS, Commissioner Jose Medina is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Chan; therefore be it

RESOLVED, that Commissioner Medina is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Lawrence T. Chan and is to be set at a later date.

AYES: Commissioners Keker, Norman, Medina, Wong
ABSENT: Commissioner Hewlett

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR
TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER
MICHAEL R. ROBISON, MISSION STATION (FILE NO. C0291-95 BSK)**

Sent back to OCC for further details.

CHIEF'S REPORT TO THE POLICE COMMISSION

None.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Commissioner Keker introduced Mary Dunlap and Diane Chin, Director and Staff Attorney.

Commissioner Medina excused himself at 6:15 p.m.

**CAPTAIN RICHARD CAIRNS, COMMANDING OFFICER NORTHERN
STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN
THE NORTHERN DISTRICT**

Captain Cairns, Northern Station, introduced Gloria and Gene Casaretto who are involved in the community associations. Gloria is the Community Relations President. The Captain also welcomed other members of the association. He then discussed district boundaries and staffing, decoy operations and activities by members of the district station. He stated that crime is down 37% between May of '95 and May of '96. He made a presentation to Rebecca Danis and Bruce Colbert for their efforts in robbery arrests.

Commissioner Hewlett arrived 6:30 p.m.

PUBLIC COMMENTS

Lawrence Murray, President Union Street Association, thanked the department for their service during the Union Street fair. He also discussed concerns regarding Spring Festival, drinks, etc. He also thanked Captain Cairns and staff for their service during these festival.

Mary Trenchman commends Captain Cairns and the officers of Northern.

Reverend Joan Stein Powell, Hayes Valley Resident Association, thanked the officers for cleaning up the area and presented Captain Cairns with an award for his efforts.

Celest Friedman, resident, acknowledged the department for response when called and discussed projects at Laguna and Eddy area, also the 911 center on Turk Street when construction for the new building takes place.

Gail Parnell, resident, discussed crime in area and discussed working with police and volunteers in the area.

Lynn Friedman discussed problems in the Hayes Valley area.

Warren, resident Saint Francis Square, discussed problems in the area.

Alan White discussed negative articles of officers by the press.

John Bass, Geary Corridor Association, stated more police are needed and asked that the drugs and prostitution in area be dealt with.

Marian Brown discussed staffing and crime.

Barbara Unger discussed concerns regarding crime in the park.

Richard Johnson, resident Hayes Valley, discussed need for more bike patrol and foot patrol in the area.

Marvin Warren, President Polk Street Association, commends Captain Cairns and officers of Northern Station. He had concerns regarding staffing and problems with homeless shelter at Polk and Geary.

George Williams discussed community meetings and asked that more officers be put on bike patrol.

Frank Denato, resident Hayes & Webster, discussed concerns in the area regarding liquor sales.

Patricia Tarling, resident Richmond District, discussed actions of officers against African-Americans.

Karen Tisher, Polk Street merchant, thanked Captain Cairns and officers, and to keep bike patrol and add more officers for bike patrol and also discussed problem with shelter at 1001 Polk Street.

Jeff Rowland thanked Captain Cairns and officers of Northern for assistance during recent fair.

Mary Monser, Oak & Fillmore resident, discussed crime and problems in the area.

Thereafter, the meeting was adjourned at 8:25 p.m.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

JOHN KEENE
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS P. WONG
Commissioner

LT MANUEL SARETTA
Secretary

**CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING**

There will be no Police Commission Regular Meeting on Wednesday, July 3, 1996.
The next Police Commission Meeting will be on Wednesday, July 10, 1996, in the
Hall of Justice, 850 Bryant Street, Room 551, San Francisco, at 5:30 p.m.

DOCUMENTS DEPT.

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PUBLIC COMMENTS

Lawrence Murray, President Union Street Association, thanked the department for their service during the Union Street fair. He also discussed concerns regarding Spring Festival, drinks, etc. He also thanked Captain Cairns and staff for their service during these festival.

Mary Trenchman commends Captain Cairns and the officers of Northern.

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JULY 10, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

CLOSED SESSION

Room 505-2
4:30 p.m.

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CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:

- a. Tracy Bridgewater v. CCSF, et al. S.F. Superior Court No. 971-635
- b. Gary Sargent v. CCSF. U.S. District Court No. C94-3551
- c. Edward Everett-Ronning v. CCSF. S.F. Superior Court No. 965-789
- d. Terrence & Rose Everette v. CCSF. U.S. District Court No. C95-0453 SI
- e. Jose Moreno v. CCSF. S.F. Municipal Court No. 108-998
- f. Raly & Ederlinda Hernandez, Christina Ruanto v. CCSF. S.F. Municipal Court No. 119035
- g. Jenice Cole v. CCSF, et al. S.F. Municipal Court No. 114-424
- h. Unlitigated Claim of Michael J. Kutsko v. CCSF. No. 94-03025

PUBLIC COMMENTS

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, JULY 10, 1996

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

PUBLIC SESSION

Room 551

5:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Minutes of Meetings of February 28, 1996 and March 13, 1996
5. Approval of Consent Calendar
6. Police Commission Report
 - a. Motion of Calendaring of New Items
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Presentation of OCC Statistical Report for the Months of April & May 1996
10. Request of the Chief of Police to Apply for, Accept, and Expend Funds from the U.S. Department of Justice to Implement the Community Policing to Combat Domestic Violence
11. Request of the Chief of Police to Apply for, Accept, and Expend Funds from the Chinatown Youth Center to Implement the Domestic Violence Response Units Activities for the Family Violence - Prevention and Education - PIE Program
12. Request of the Chief of Police to Apply for, Accept and Expend Funds from the U.S. Department of Justice to Implement the Community Policing to Combat Domestic Violence

PUBLIC COMMENTS

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JULY 10, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

13. Request of the Chief of Police to Apply for, Accept, and Expend Funds from the Office of Criminal Justice Planning (OCJP) to Implement the Suppression of Drug Abuse in the Schools Program
14. Discussion and Action re: Revised General Order 6.06, "Tarasoff Incidents" and General Order 9.06, "Vehicle Tows"
15. Discussion and Action re: Revised General Order 10.07, "Use of Cellular Telephones"
16. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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PUBLIC COMMENTS

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JULY 10, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Tracy Bridgewater v. CCSF, et al. S.F. Superior Court No. 971-635 \$18,000.00
 - b. Gary Sargent v. CCSF, U.S. District Court No. C94-3551 \$20,000.00
 - c. Edward Everett-Ronning v. CCSF, S.F. Superior Court No. 965-789 \$30,000.00
 - d. Terrence & Rose Everette v. CCSF, U.S. District Court No. C95-0453 SI
\$95,000.00
 - e. Jose Moreno v. CCSF, S.F. Municipal Court No. 108-998 \$11,900.00
 - f. Raly & Ederlinda Hernandez, Christina Ruanto v. CCSF, S.F. Municipal Court
No. 119035 \$14,500.00
 - g. Jenice Cole v. CCSF, et al. S.F. Municipal Court No. 114-424 \$12,000.00
 - h. Unlitigated Claim of Michael J. Kutsko v. CCSF, No. 94-03025 \$6,500.00
2. Request of the Chief of Police to Accept Donation of \$5,000.00, on behalf of the Friends of the San Francisco Police Department, from the Warner Lambert Company
3. Request of the Chief of Police to Accept Donation of 1984 Chevrolet Camaro from Mr. and Mrs. Philip Joseph Lee, for the Use of the Crime Prevention Company, estimated value of \$4,000.00
4. Request of the Chief of Police to Accept Donation of TRAK (Technology to Recover Abducted Kids) System from the Social Tech, Inc., to be used Exclusively for the Preparation and Issuance of Missing Persons Bulletins

Date of Incident: January 10, 1995

AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

RESOLUTION NO. 109-96

GARY SARGENT v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Gary Sargent v. City and County of San Francisco" in USDC No. C94-3551 for damages sustained, be, and the same is hereby approved.

Date of Incident: July 8, 1993

AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

RESOLUTION NO. 110-96

EDWARD EVERETT-RONNING V. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Edward Everett-Ronning v. City and County of San Francisco" in San Francisco Superior Court No. 965789 for damages sustained, be, and the same is hereby approved.

Date of Incident: August 20, 1994

AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

RESOLUTION NO. 111-96

JOSE MORENO V. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Jose Moreno v. City and County of San Francisco" in San Francisco Municipal Court No. 108-998 for damages sustained, be, and the same is hereby approved.

Date of Incident: July 18, 1993

AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

RESOLUTION NO. 112-96

RALY & EDERLINDA HERNANDEZ, CHRISTINA RUANTO v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Raly Hernandez, Ederlinda Hernandez, Christina Ruanto v. City and County of San Francisco" in San Francisco Municipal Court No. 119035 for damages sustained, be, and the same is hereby approved.

Date of Incident: October 18, 1994

AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

RESOLUTION NO. 113-96

JENICE COLE v. CCSF

JULY 10, 1996

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505, 850 Bryant Street, San Francisco, at 4:30 p.m., in Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

- a. Tracy Bridgewater v. CCSF, SF Superior Court No. 971-635
- b. Gary Sargent v. CCSF, U.S. District Court No. C94-3551
- c. Edward Everett-Ronning v. CCSF, SF Superior Court No. 965-789
- d. Terrence & Rose Everette v. CCSF, US District Court No. C95-0453 SI
- e. Jose Moreno v. CCSF, SF Municipal Court No. 108-998
- f. Raly & Ederlinda Hernandez, Christina Ruanto v. CCSF, SF Municipal Court No. 119035
- g. Jenice Cole v. CCSF, et al. SF Municipal Court No. 114-424
- h. Unlitigated Claim of Michael J. Kutsko v. CCSF, No. 94-03025

PRESENT: Commissioners Keker, Hewlett, Medina

ABSENT: Commissioners Norman, Wong

JULY 10, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, San Francisco, at 5:40 p.m., in Regular Meeting.

PRESENT: Commissioners Keker, Hewlett, Medina

ABSENT: Commissioners Norman, Wong

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

Commissioner Keker stated no closed session. All Commissioners have read all the documents.

APPROVAL OF MINUTES OF MEETINGS OF FEBRUARY 28, 1996 AND MARCH 13, 1996

Motion by Commissioner Medina, second by Commissioner Hewlett.
Approved 3-0.

Approval of minutes of meetings of February 28, 1996 and March 13, 1996, the Commission having received, approved and returned copies of same.

AYES: Commissioners Keker, Hewlett, Medina

ABSENT: Commissioners Norman, Wong

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Medina, second by Commissioner Hewlett.
Approved 3-0 with the exception of Item Number "d", Terrence & Rose Everette v. CCSF, over to July 17th, at 5:00 p.m.

RESOLUTION NO. 108-96

TRACY BRIDGEWATER v. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Tracy Bridgewater v. CCSF" in San Francisco Superior Court No. 971-635 for damages sustained, be, and the same is hereby approved.

DOCUMENTS DEPT

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AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

RESOLUTION NO. 119-96

AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE CHINATOWN YOUTH CENTER TO IMPLEMENT THE DOMESTIC VIOLENCE RESPONSE UNIT ACTIVITIES FOR THE FAMILY VIOLENCE - PREVENTION AND EDUCATION - PIE PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the Chinatown Youth Center to implement the Domestic Violence Response Unit activities for the Family Violence - Prevention and Education - PIE Program.

AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE TO IMPLEMENT THE COMMUNITY POLICING TO COMBAT DOMESTIC VIOLENCE

Put over one week.

RESOLUTION NO. 120-96

AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO IMPLEMENT THE SUPPRESSION OF DRUG ABUSE IN THE SCHOOLS PROGRAM

Sergeant Colleen Fatooh presented grant application. Motion by Commissioner Hewlett, second by Commissioner Medina. Approved 3-0.

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the Office of Criminal Justice Planning (OCJP) to implement the Suppression of Drug Abuse in the Schools Program.

AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 6.06, "TARASOFF INCIDENTS" AND GENERAL ORDER 9.06, "VEHICLE TOWS"

Captain Tim Hettrich, Planning, presented general orders to the Commission. Motion by Commissioner Hewlett, second by Commissioner Medina. Both approved 3-0.

RESOLUTION NO. 121-96

ADOPTION OF REVISED GENERAL ORDER 6.06, "TARASOFF INCIDENTS" AND GENERAL ORDER 9.06, "VEHICLE TOWS"

RESOLVED, that the Police Commission hereby adopts revised General Order 6.06, "Tarasoff Incidents" and General Order 9.06, "Vehicle Tows".

AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Jenice Cole v. City and County of San Francisco" in San Francisco Municipal Court No. 114-424 for damages sustained, be, and the same is hereby approved.

Date of Incident: June 12, 1994

AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

RESOLUTION NO. 114-96

MICHAEL J. KUTSKO v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the unlitigated claim No. 94-03025 of "Michael J. Kutsko v. City and County of San Francisco" for damages sustained, be, and the same is hereby approved.

Date of Incident: June 22, 1990

AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

POLICE COMMISSION REPORT

Commissioner Hewlett appointed liaison Special Operations Division and also liaison with the Marine and Air Unit recently formed.

Commissioner Keker stated he was assigning the Andaya case to himself and would hear that and all Commissioners are welcome to attend.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau stated that there had been an arrest on the Precita Park double homicide. There has also been an arrest regarding juvenile rape case. Chief Lau also stated that the contract regarding wages and benefits was approved by the Mayor. He also stated that Hunter's Point Building 6 is now the property of the department.

Deputy Chief Holder briefed the Commission regarding the Boat/Helicopter Unit, also called the Air Marine Support Unit, which will start up sometime in September for the aircraft and that the boat is all ready up and running.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

OCC Director Mary Dunlap stated that effective July 1st, seven new investigators will be hired.

PRESENTATION OF OCC STATISTICAL REPORT FOR THE MONTHS OF APRIL & MAY 1996

Mary Dunlap presented the statistics for April and May. After which, Commissioner Keker discussed pending cases time frames and also asked Director Dunlap to brief the Commission on OCC goals in September.

RESOLUTION NO. 118-96

AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE TO IMPLEMENT THE COMMUNITY POLICING TO COMBAT DOMESTIC VIOLENCE

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the U.S. Department of Justice to implement the Community Policing to combat domestic violence.

RESOLUTION NO. 122-96

**ADOPTION OF REVISED GENERAL ORDER 10.07, "USE OF CELLULAR
TELEPHONES"**

RESOLVED, that the Police Commission hereby adopts revised General Order 10.07, "Use of Cellular Telephones".

AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

PUBLIC COMMENTS

John Jenkyl discussed permit problem regarding Mr. Gil Cohen.

Thereafter, meeting adjourned at 6:30 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JULY 17, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

CLOSED SESSION

Room 505-2
5:00 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:

- a. Coming Up, Inc. v. CCSF, et al. USDC No. C92-3714, Court of Appeals No. 95-15689
- b. Terrence and Rose Everette v. CCSF, USDC No. C95-0453 SI



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, JULY 17, 1996

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

PUBLIC SESSION

*Room 551
5:30 p.m.*

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Minutes of Meetings of March 20, 1996 & March 27, 1996
5. Approval of Consent Calendar
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer David Rios, Taraval Station (File No. C56-185 JWA)
7. Police Commission Report
 - a. Motion of Calendaring of New Items
8. Chief's Report to the Police Commission
 - a. Medal of Valor Presentation to Officers Tim Brophy, Eric Caracciolo and Joan House
9. OCC Director's Report to the Police Commission
10. Request of the Chief of Police to Apply for, Accept and Expend Funds from the U.S. Department of Health & Human Resources - Administration for Children & Families - Office of Community Services for the Project entitled "Family Violence Prevention & Services - Public Information/Community Awareness Program"



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, JULY 17, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

11. Request of the Chief of Police for Approval to Accept and Expend Funds from the U.S. Department of Justice/Office of Community Oriented Policing Services to Conduct the Civilian Employee Component of the Community Oriented Policing Services-Making Officer Redeployment Effective Program
12. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JULY 17, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Coming Up, Inc. v. CCSF, et al. USDC No. C92-3714, Court of Appeals No. 95-15689 \$140,000.00
 - b. Terrence and Rose Everette v. CCSF. USDC No. C95-0453 SI \$95,000.00
2. Request of the Chief of Police for Approval to Accept Donation of a 15 Passenger Van from the Variety Club of Northern California to be Utilized by the Department's Wilderness Program
3. Request of the Chief of Police for Approval to Accept Donation of a 35 Foot Pole, Support Cables, and PG&E Labor to Install the Pole, from Pacific Gas and Electric Company to be Utilized by the Department's Wilderness Program
4. Request of the Chief of Police for Approval to Accept Donation of Two (2) Mountain Bicycles, from the Port of San Francisco, to be Assigned to the Central Station
5. Request of the Chief of Police for Approval to Accept Donation of Two (2) GTE Telecommunications Training Devices for the Deaf (TDD), from Mr. Lou Maracci of the Pioneers of America, to be used by the Department for Training Purposes

JULY 17, 1996

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, San Francisco, at 5:50 p.m., in a Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

- a. Coming Up, Inc. vs. CCSF, et al USDC No. C92-3714, Court of Appeals 95-15689 \$140,000.00
- b. Terrence and Rose Everette v. CCSF, USDC No. C95-0453 SI \$95,000.00

PRESENT: Commissioners Keker, Norman, Hewlett, Medina

ABSENT: Commissioner Wong

JULY 17, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina

ABSENT: Commissioner Wong

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

Commissioner Keker stated the Commission met in Executive Closed Session regarding settlement and there is no disclosure on their discussion.

APPROVAL OF MINUTES OF MEETINGS OF MARCH 20, 1996 & MARCH 27, 1996

Motion by Commissioner Medina, second b Commissioner Norman. Approved 4-0.

Approval of minutes of meetings of March 20th & 27th, 1996, the Commission having received, approved and returned copies of same.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina

ABSENT: Commissioner Wong

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 123-96

COMING UP, INC. v. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Coming Up, Inc. v. CCSF" in United States District Court, Case No. C92-3714, Court of Appeals No. 95-15689, for damages sustained, be, and the same is hereby approved.

Date of Incident: May 7-8, 1992

AYES: Commissioners Keker, Norman, Hewlett, Medina

ABSENT: Commissioner Wong

RESOLUTION NO. 124-96

TERRENCE & ROSE EVERETTE v. CCSF

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RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Terrence & Rose Everette v. City and County of San Francisco" in United States District Court for the Northern District of California No. 95-0453 SI, for damages sustained, be, and the same is hereby approved.

Date of Incident: December 21, 1993

AYES: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

RESOLUTION NO. 125-96

APPROVAL TO ACCEPT DONATION OF A 15 PASSENGER VAN FROM THE VARIETY CLUB OF NORTHERN CALIFORNIA TO BE UTILIZED BY THE DEPARTMENT'S WILDERNESS PROGRAM

WHEREAS, the Wilderness Adventure Youth Program of the San Francisco Police Department is in need of a van to transport the youth of San Francisco to various functions; and

WHEREAS, the Variety Club of Northern California has generously offered to donate a 15 passenger 1996 van, valued at \$25,000.00, to the San Francisco Police Department's Wilderness Adventure Youth Program; and

WHEREAS, it is necessary to obtain authorization from the Board of Supervisors by a resolution in order to accept gifts to the Police Department which have a value of over \$5,000.00; therefore be it

RESOLVED, that the Police Commission hereby requests the Board of Supervisors of the City and County of San Francisco to adopt the attached resolution of the Board of Supervisors which will grant to the Police Department the authority to accept the gift of a 15 passenger 1996 van, valued at \$25,000.00 from the Variety Club of Northern California for use in the Wilderness Adventure Youth Program.

AYES: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

RESOLUTION NO. 126-96

APPROVAL TO ACCEPT DONATION OF A 35 FOOT POLE, SUPPORT CABLES, AND PG&E LABOR TO INSTALL THE POLE, FROM THE PACIFIC GAS & ELECTRIC COMPANY TO BE UTILIZED BY THE DEPARTMENT'S WILDERNESS PROGRAM

WHEREAS, the Wilderness Adventure Youth Program of the San Francisco Police Department is in need of a pole and support cables at the Glen Park Adventure Ropes Course to facilitate the ropes course event known as "The Perch"; and

WHEREAS, the Pacific Gas and Electric Company has generously offered to donate, to the Wilderness Adventure Youth Program, a 35 foot pole, the support cables, and PG&E personnel to install the pole; provided the City and County of San Francisco holds PG&E harmless for any liability arising out of the use of the pole; and

WHEREAS, it is necessary to obtain authorization from the Board of Supervisors by a resolution in order to accept gifts to the Police Department which have a value of over \$5,000.00; therefore be it

RESOLVED, that the Police Commission hereby requests the Board of Supervisors of the City and County of San Francisco to adopt the attached resolution of the Board of Supervisors which will grant to the Police Department the authority to accept the gift of a 35 foot pole, the support cables, and PG&E labor to install the pole, from the Pacific Gas and Electric Company, for use at the Wilderness Adventure Youth

Program's Glen Park Adventure Ropes Course, and holds harmless the Pacific Gas and Electric Company for any liability arising out of the use of that pole as defined in the attached "hold harmless" agreement.

AYES: Commissioners Keker, Norman, Hewlett, Medina
 ABSENT: Commissioner Wong

RESOLUTION NO. 127-96

APPROVAL TO ACCEPT DONATION OF TWO (2) MOUNTAIN BICYCLES, FROM THE PORT OF SAN FRANCISCO, TO BE ASSIGNED TO THE CENTRAL STATION

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept two (2) mountain bicycles for use by officers at the Central Station. The donation is valued at \$1279.28 total.

AYES: Commissioners Keker, Norman, Hewlett, Medina
 ABSENT: Commissioner Wong

RESOLUTION NO. 128-96

APPROVAL TO ACCEPT DONATION OF TWO (2) GTE TELECOMMUNICATIONS TRAINING DEVICES FOR THE DEAF (TDD), FROM MR. LOU MARACCI OF THE PIONEERS OF AMERICA, TO BE USED BY THE DEPARTMENT FOR TRAINING PURPOSES

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept two (2) GTE telecommunications training devices for the deaf (TDD), from Mr. Lou Maracci of the Pioneers of America, to be used by the Department for training purposes. The total value of the donation is estimated at \$748.00.

AYES: Commissioners Keker, Norman, Hewlett, Medina
 ABSENT: Commissioner Wong

RESOLUTION NO. 129-96

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER DAVID RIOS, TARAVAL STATION (FILE NO. C56-185 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer David Rios, Taraval Station, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Rios; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer David Rios and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina
 ABSENT: Commissioner Wong

POLICE COMMISSION REPORT

Commissioner Keker reminded the Commissioners the 938 Harrison Street hearing will be held the weeks of September 9th and 16th. A quorum will be attending each day. He also discussed motions and responses to the Commission.

Commissioner Norman commented on Department Bulletin regarding

intoxication and commends the department and the Chief on an excellent order.

CHIEF'S REPORT TO THE POLICE COMMISSION

- a. Medal of Valor Presentation to Officers Tim Brophy,
Eric Caracciolo and Joan House

The Chief presented Medals of Valor to Officers Brophy, Caracciolo and House.

Commissioner Norman discussed better press coverage regarding Medal of Valor presentations.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Mary Dunlap stated six new employees are coming on board and she also reorganizing the unit. She also commended Diane Chin, new Staff Attorney, for her efforts in taking on the disciplinary cases.

RESOLUTION NO. 130-96

AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF HEALTH & HUMAN RESOURCES - ADMINISTRATION FOR CHILDREN & FAMILIES - OFFICE OF COMMUNITY SERVICES FOR THE PROJECT ENTITLED "FAMILY VIOLENCE PREVENTION & SERVICES - PUBLIC INFORMATION/COMMUNITY AWARENESS PROGRAM"

Sergeant John Bisordi made presentation. Motion by Commissioner Hewlett, second by Commissioner Medina. Approve 4-0.

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the U.S. Department of Health & Human Resources - Administration for Children & Families - Office of Community Services for the project entitled "Family Violence Prevention & Services - Public Information/Community Awareness Program".

AYES: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

RESOLUTION NO. 131-96

AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE/OFFICE OF COMMUNITY ORIENTED POLICING SERVICES TO CONDUCT THE CIVILIAN EMPLOYEE COMPONENT OF THE COMMUNITY ORIENTED POLICING SERVICES-MAKING OFFICER REDEPLOYMENT EFFECTIVE PROGRAM

Sergeant John Bisordi made presentation. Motion by Commissioner Medina, second by Commissioner Hewlett. Approved 4-0.

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the U.S. Department of Justice/Office of Community Oriented Policing Services to conduct the civilian employee component of the Community Oriented Policing Services - Making Officer Redeployment Effective Program.

AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

Commissioner Keker stated there will be no meeting July 31st. No meeting August 21st. He also stated he'll be out of town August 7th and also Commissioner Hewlett will be out of town and that three Commissioners will be attending the meeting, Commissioners Norman, Medina and Wong.

PUBLIC COMMENTS

Daniel Paiz complaints regarding actions of police.

Jerry Graham read a statement regarding actions of police.

Leonard Sanders, homeless, discussed property taken by the police.

Judy Appel, Coalition Homeless, discussed Operation Park, concerns regarding homeless and confiscation of their property.

Commissioner Hewlett leaves at 6:30 p.m.

Marie(no last name given) discussed problems with police regarding sleeping in the park.

Jason Albertson read a statement.

Joe Wilson presented advocates for youth concerns regarding homeless.

Thereafter, meeting was adjourned at 6:45 p.m.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JULY 24, 1996

TENDERLOIN DISTRICT
Y.M.C.A
220 Golden Gate Avenue
San Francisco, CA

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

6:00 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes of Meetings of April 3, 1996 and April 17, 1996
4. Approval of Consent Calendar
5. Police Commission Report
 - a. Motion of Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion and Action re: Opposition to Proposed Legislation Amending the Peace Officer Bill of Rights Government Code §3300, et seq.; SB-282, AB-2236 & AB-3434
9. Captain Walter R. Cullop, Commanding Officer Tenderloin Task Force, to Address the Commission on Police Activities in the Tenderloin District
10. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

PUBLIC COMMENTS

Daniel Paiz complaints regarding actions of police.

Jerry Graham read a statement regarding actions of police.

Leonard Sanders, homeless, discussed property taken by the police.

Judy Appel, Coalition Homeless, discussed Operation Park, concerns regarding homeless and confiscation of their property.

Commissioner Hewlett leaves at 6:30 p.m.



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, JULY 24, 1996

CONSENT CALENDAR

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Request of the Chief of Police for Approval to Accept Donation of a 386 - 66 PC, Color Printer and Software, from Officer Thomas Strong, for Use in the Fiscal Division
2. Request of the Chief of Police for Approval to Accept Donation of \$600.00 from the Geary Boulevard Merchants for the Purpose of Purchasing Uniforms and Equipment for Bike Patrol Officers in the Richmond Station

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

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PUBLIC COMMENTS

Daniel Paiz complaints regarding actions of police.

Jerry Graham read a statement regarding actions of police.

Leonard Sanders, homeless, discussed property taken by the police.

Judy Appel, Coalition Homeless, discussed Operation Park, concerns regarding homeless and confiscation of their property.

Commissioner Hewlett leaves at 6:30 p.m.

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*The San Francisco Police Commission
&
The Tenderloin Task Force*

Cordially Invite You To Attend

*The Monthly District Meeting
of
The San Francisco Police Commission*

*Wednesday, July 24, 1996
Y.M.C.A.
220 Golden Gate Ave.*

Time: 6:00 P.M.

Your Host will be Captain Walter R. Cullop

Come and meet The San Francisco Police Commission.
There will be a public comment session following the meeting. (*)

(*)Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.

JULY 24, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Tenderloin District, at the YMCA, 220 Golden Gate Avenue, San Francisco, at 6:10 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong

Commissioner Keker welcomed the audience, introduced the Commission, command staff, department staff and OCC.

APPROVAL OF MINUTES OF MEETINGS OF APRIL 3 & 17, 1996

Motion by Commissioner Medina, second by Commissioner Hewlett. Minutes approved 5-0.

Approval of minutes of meetings of April 3 & 17, 1996, the Commission having received, approved and returned copies of same.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Medina, second by Commissioner Norman. Approved 5-0.

APPROVAL TO ACCEPT DONATION OF A 386 - 66 PC, COLOR PRINTER AND SOFTWARE FROM OFFICER THOMAS STRONG, FOR USE IN THE FISCAL DIVISION

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept a donation of a 386 - 66 PC, color printer and software, from Officer Thomas Strong for use in the Fiscal Division. Approximate value of donation \$600.00.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 133-96

APPROVAL TO ACCEPT DONATION OF \$600.00 FROM THE GEARY BOULEVARD MERCHANTS FOR THE PURPOSE OF PURCHASING UNIFORMS AND EQUIPMENT FOR BIKE PATROL OFFICERS IN THE RICHMOND STATION

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept \$600.00 from the Geary Merchants Association for the purpose of purchasing uniforms and equipment for bike patrol officers in the Richmond Station.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

POLICE COMMISSION REPORT

Commissioner Keker discussed that Tuesday, July 30th, at 5:30 p.m., there will be a hearing on motions regarding 938 Harrison Street case. He introduced Linda Ross, City Attorney.

Commissioner Medina leaves at 6:40 p.m.

Commissioner Hewlett briefed Commission that on August 17th, there will be a christening of the new patrol boat.

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CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau briefed the Commission on recent visit by President Clinton. He commended the department and thanked GTF for their service.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, Director OCC, described duties of the OCC to the audience and introduced Diane Chin, Staff Attorney.

CAPTAIN WALTER R. CULLOP, COMMANDING OFFICER TENDERLOIN TASK FORCE, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TENDERLOIN DISTRICT

Captain Walter Cullop, commanding officer TTF, gave history of the Tenderloin Task Force, racial makeup, crack epidemic, described crime and efforts in battling same and also decoy operation.

PUBLIC COMMENTS

David Baker discussed too many alcohol permits in the Tenderloin and recommended limiting permits.

Marcus Phillips, resident 200 block of Eddy, discussed drinking and drug problems between 10:00 p.m. and 3:00 a.m.

Monica Jones discussed crime on Taylor and Eddy and also discussed staffing concerns.

Bill Ng, Executive Director Indo-Chinese Organization stated department needs more southeast Asian officers and discussed language barrier between residents and police.

Robert Boyd, President Norel Planning Organization, discussed sensitivity planning for officers.

Marie Dugan, owner Original Joe's, discussed drug dealing and gambling and other crimes in the area and for more police.

Roscoe Hoffman, St. Anthony's, thanked Captain Cullop and officers of TTF.

Ed Evans discussed increase boundaries with TTF and also more officers.

Jim Thompson, apartment manager, commended TTF personnel and also discussed crime at Eddy and Jones.

Matt Musa, merchant, commended Captain Cullop.

Robert Moore, resident Hyde & Leavenworth, discussed prostitution in area.

Carmela Gold, Executive Director YMCA, thanked Captain Cullop and members of TTF for their efforts.

DISCUSSION AND ACTION RE: OPPOSITION TO PROPOSED LEGISLATION AMENDING THE PEACE OFFICER BILL OF RIGHTS GOVERNMENT CODE §3300, ET SEQ.; SB-282, AB-2236, & AB-3434

Motion by Commissioner Hewlett, second by Commissioner Norman to oppose amending government code section 3300. Mary Dunlap to draft a letter to be signed by the Chief and Commissioner Keker and is to be forwarded to Mr. George House, Member State Assembly, Senator Nicholas Petris, Honorable Charles Poochigian, Chair, Assembly Appropriations Committee, Honorable Patrick Johnston, Chair, Senate Appropriations Committee and members of the Assembly Appropriations Committee & Senate Appropriations Committee.

RESOLUTION NO. 134-96

RESOLVED, that the Police Commission hereby opposed proposed legislation amending the Peace Officer Bill of Rights Government Code Section 3300, et seq.; SB-282, AB-2236 & AB-3434.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

Letter signed by Chief Lau, Commissioner Keker & Director Dunlap:

RE: San Francisco Police Commission Opposition To
Proposed Legislation Amending the Peace Officer Bill of Rights
Government Code §3300, *et seq.*
SB-282, AB-2236 & AB 3434

The Police Commission of the City and County of San Francisco strongly opposes the above-referenced bills now pending in the California Legislature. The Honorable Commission's opposition is based upon the recommendations of its Chief of Police, Fred H. Lau, and its Director of Citizen Complaints, Mary C. Dunlap, and its own findings that the proposed amendments to the Public Safety Officers' Procedural Bill of Rights are inimical to effective management and civilian oversight of law enforcement operations and practices.

Senate Bill 282 incorporates an unrealistic and artificial limitation on the commencement of disciplinary investigations and actions. This legislation would also mandate removal of "unfounded" (for which there is no commonly shared definition) complaints against officers from their personnel records. This provision would do serious harm to and materially interfere with our Complaint Early Warning System which is designed to prevent officer misconduct rather than merely punish it.

Assembly Bill 2236 seeks to impose impossible and arbitrary time limits on the investigation of complaints against police officers, requires the suspension of administrative investigations during the pendency of collateral criminal investigations, effectively foreclose searches of a single class of employees' lockers and greatly widen the potential liability of local governments in actions arising from alleged violations of procedural rights. Police misconduct investigations are by their very nature complex. Current practices and long experience show that the investigatory time lines in this bill are unrealistic and unfair to the public and to public agencies.

Assembly Bill 3434, along with SB 282, requires the exclusion of "unfounded" complaints from personnel records without defining that term and is unclear as to how such complaint records are to be maintained. This administrative "exclusionary rule" impinges on and could impede the effectiveness of our Complaint Early Warning System as it would remove many complaints from the purview of managers in the San Francisco Police Department. Supporters of the SB 282 and AB 3434 seem to equate "unfounded" complaints with false ones. In our experience this is not necessarily the case. Both bills fail to address the multiple-allegation complaint wherein one or more allegations may be "unfounded" while others are meritorious. We depend, as do many agencies, on complaint information to detect "pattern conduct" on the part of our officers that, from long experience, tends to precede more serious improprieties.

AB 3434 and SB 282 specify that "unfounded" complaints would remain in personnel files for purposes of the Public Records Act and for motions brought under Evidence Code section 1043. Thus the only persons precluded from considering these records are the officers' own employers and managers.

The San Francisco Police Department deals fairly with its police officer employees. Existing law, in the Public Safety Officers' Procedural Bill of Rights, provides our police officers ample due process and protection from administrative abuses.

These proposed laws would drastically interfere with our efforts to deal responsibly, coherently and consistently with police misconduct cases and issues. The San Francisco Police Commission, the Chief of the San Francisco Police Department and the Director of the Office of Citizen Complaints of the City and County of San Francisco most strongly oppose these pending enactments and ask you to carefully consider the issues raised herein in your deliberations on these bills.

Thereafter, meeting was adjourned at 8:05 p.m.

A handwritten signature in dark ink, appearing to read 'Manuel Barretta', is written over a horizontal line.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

SF

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7/30/96

Special



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

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JUL 26 1996

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**CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
TUESDAY, JULY 30, 1996**

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

SPECIAL MEETING

**ROOM 551
5:30 p.m.**

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

Hearing on Motions: Matter regarding 938 Harrison Street

Captain Michael Yalon
Lieutenant John Ehrlich
Sergeant John Haggett
Sergeant Stephen Bosshard
Sergeant Ed Santos
Officer Hoyt Wong



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

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**CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING**

JOHN KEKER
President

PAT NORMAN
Vice President

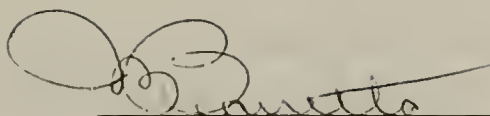
CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

There will be no Police Commission Regular Meeting on Wednesday, July 31, 1996.
The next Police Commission Meeting will be on Wednesday, August 7, 1996, in the
Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, San Francisco, at
5:30 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, AUGUST 7, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

SPECIAL MEETING

CLOSED SESSION

Room 505-2
5:00 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT MANUEL BARRETTA
Secretary

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1. Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:

- a. Adele Roberts v. CCSF, et al. USDC No. C94-4153
b. Robert Weber, et al v. CCSF, et al. Superior Court No. 959-886

2. Government Code 54956.9
CONFERENCE WITH LEGAL COUNSEL
Anticipated Litigation:

X As Defendant ___ As plaintiff
United Reporting Services vs. Lundgren, et al. USDC S.D. No. 96-888 B ATB


Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, AUGUST 7, 1996**

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

PUBLIC SESSION

**Room 551
5:30 p.m.**

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Minutes of Meetings of April 24, 1996 & May 1, 1996
5. Approval of Consent Calendar
6. Police Commission Report
 - a. Notification of Resignation of Officer Chester H. Banks
(Case No. M-JWA-C56-221)
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Presentation of OCC Second Quarter Statistical Report for Months of April, May & June
10. Discussion and Action re: Proposition J Contract for Janitorial Services at Hunter's Point Building 606
11. Discussion and Action re: Adoption or Rejection of the PC&N Hearing Officer's Findings of Fact for the Public Convenience and Necessity Taxicab Permits
12. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, AUGUST 7, 1996

CONSENT CALENDAR

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Adele Roberts v. CCSF, et al. USDC No. C94-4153 \$85,000.00
 - b. Robert Weber, et al v. CCSF, et al. Superior Court No. 959-886
\$46,500.00
2. Request of the Chief of Police for Approval to Accept Donation of six IBM Compatible (386) Computers from the Pacific, Gas & Electric Company to be used in the Risk Management Office and one will be used at Mission Station
3. Request of the Chief of Police for Approval to Accept Donation of 2,000 Special Chief of Police Community Discount Passes from Ringling Brothers and Barnum and Bailey to be Distributed to Asian Children in the Community

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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AUGUST 7, 1996

EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, San Francisco, at 5:15 p.m., in a Closed Session.

PRESENT: Commissioners Norman, Medina, Wong

ABSENT: Commissioners Keker, Hewlett

AUGUST 7, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, San Francisco, at 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Medina, Wong

ABSENT: Commissioners Keker, Hewlett

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

No vote to disclose Closed Session.

APPROVAL OF MINUTES OF MEETINGS OF APRIL 24TH & MAY 1, 1996

Motion by Commissioner Medina, second by Commissioner Wong.
Approved 3-0.

Approval of minutes of meetings of April 24th and May 1, 1996, the Commission having received, approved and returned copies of same.

AYES: Commissioners Norman, Medina, Wong

ABSENT: Commissioners Keker, Hewlett

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Medina, second by Commissioner Wong.
Approved 3-0.

RESOLUTION NO. 136-96

ADELE ROBERTS v. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Adele Roberts v. CCSF, et al" in U.S. District Court No. C94-4153 CAL for damages sustained, be, and the same is hereby approved.

Date of Incident: May 8, 1992 through November, 1992

AYES: Commissioners Norman, Medina, Wong

ABSENT: Commissioners Keker, Hewlett

RESOLUTION NO. 137-96

ROBERT WEBER, et al v. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Robert Weber, et al v. CCSF, et al" in Superior Court No. 959-886 for damages sustained, be, and the same is hereby approved.

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Date of Incident: October 15, 1993

AYES: Commissioners Norman, Medina, Wong
 ABSENT: Commissioners Keker, Hewlett

RESOLUTION NO. 138-96

APPROVAL TO ACCEPT DONATION OF SIX (6) IBM COMPATIBLE (386) COMPUTERS FROM THE PACIFIC, GAS & ELECTRIC COMPANY TO BE USED IN THE RISK MANAGEMENT OFFICE AND ONE WILL BE USED AT MISSION STATION

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of six (6) IBM Compatible (386) computers from the Pacific, Gas & Electric Company to be used in the Risk Management Office and one will be used at Mission Station. This donation was arranged by Lieutenant William B. Davenport and his wife, Jeannette Davenport.

AYES: Commissioners Norman, Medina, Wong
 ABSENT: Commissioners Keker, Hewlett

RESOLUTION NO. 139-96

APPROVAL TO ACCEPT DONATION OF 2,000 SPECIAL CHIEF OF POLICE COMMUNITY DISCOUNT PASSES FROM RINGLING BROTHERS AND BARNUM AND BAILEY TO BE DISTRIBUTED TO ASIAN CHILDREN IN THE COMMUNITY

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of 2,000 special Chief of Police Community Discount Passes from Ringling Brothers and Barnum and Bailey to be distributed to Asian Children in the community.

AYES: Commissioners Norman, Medina, Wong
 ABSENT: Commissioners Keker, Hewlett

POLICE COMMISSION REPORT

- a. Notification of Resignation of Officer Chester H. Banks
 (Case No. M-JWA-C56-221)

RESOLUTION NO. 135-96

RESIGNATION OF OFFICER CHESTER H. BANKS, POTRERO STATION(FILE NO. M-JWA-C56-221)

WHEREAS, on May 13, 1996, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Chester H. Banks, Potrero Station, as follows:

SPECIFICATION NO. 1

Possession or using a controlled substance as defined by the California Uniform Controlled Substance Act without a valid prescription (a violation of Rule I.C.1. and I.D.1. of General Order 2.03 of the San Francisco Police Department);

and

WHEREAS, the Police Department was in receipt of the resignation of Police Officer Chester H. Banks from the San Francisco Police Department, said resignation effective close of business July 31, 1996; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Chester H.

Banks, be, and the same are hereby continued off calendar.

AYES: Commissioners Norman, Medina, Wong
ABSENT: Commissioners Keker, Hewlett

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau discussed the Bureau of National Enforcement raid of the Cannibus Club over the weekend and stated that he had asked Assistant Chief Sanders to conduct a staff inspection review of investigation involving outside law enforcement agencies. The Staff Inspection review shall include by not be limited to: (1) Determining if San Francisco Police Department policies are appropriate to address our involvement with outside law enforcement agencies. (2) Determining if cross designated and sworn members serve the best interests of the San Francisco Police Department. (3) Determining if there are adequate established protocols with outside law enforcement agencies regarding briefings and/or updates to the San Francisco Police Department of on-going criminal investigations.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

OCC Director Mary Dunlap discussed Mission statement, presented copies of it to the Commissioners. She also stated that the OCC will cooperate with the Chief regarding investigations of activities involving the enforcement at the Cannibus Club.

PRESENTATION OF OCC SECOND QUARTER STATISTICAL REPORT FOR MONTHS OF APRIL, MAY & JUNE, 1996

Mary Dunlap presented second quarter statistical report.

DISCUSSION AND ACTION RE: PROPOSITION J CONTRACT FOR JANITORIAL SERVICES AT HUNTER'S POINT BUILDING 606

Captain Tim Hettrich, Planning Division, presented the contract for janitorial service. Put over one week.

DISCUSSION AND ACTION RE: ADOPTION OR REJECTION OF THE PC&N HEARING OFFICER'S FINDINGS OF FACT FOR THE PUBLIC CONVENIENCE AND NECESSITY TAXICAB PERMITS

Captain Maron presented his report on PC&N hearings. Commissioner Norman commended Captain Maron on his report.

Jim O'Conner, National Cab Company, against more cab permits.

Ruth Grafis, United Taxi, recommended no more permits.

Steven Ramers recommended more ramp taxi permits; discussed concerns regarding who would get the permits.

Joe Mirable, United Taxi, no more cab permits but ramp permits are okay.

Michael Kwak, Para Transit, approve ramp taxi permits.

Dave Barlow, United Taxi, concerns regarding applicant for ramp taxi permits.

Bob Mendel no more permits.

Commission took a break from 7:00 p.m. - 7:15 p.m.

Richmond Lowensohn, United Taxi, no more permits.

Charles Rathbone more ramp taxi permits.

Bruce OKKA, Consultant, more ramp taxis.

Charlie Shamisk more ramp taxis.

Pete Samuels, City Cab, no more permits.

Gerald Donaly, more permits.

George England, no more permits.
Jotek Katjela, more permits.
Zachary, no more permits.
Dave Basada, no more permits.
Oliva Delagakoua, more permits.
Jim Nakamura, Veterans Cab, no more permits.

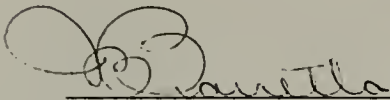
After public comments, Commissioner Norman stated that the Commissioners needed to look at a number of issues. Commissioner Medina proposed that the Commission take the matter under submission and recalendar within 30 days.

Motion by Commissioner Medina, second by Commissioner Wong.
Matter put over to September 4th.

PUBLIC COMMENTS

No public comments.

Thereafter, meeting was adjourned at 8:45 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, AUGUST 14, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

Room 551
5:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Report
4. Chief's Report to the Police Commission
5. Presentation by Embarcadero Center (Russ Campbell and Dennis Conaghan) of Funds from the Fourth Annual My Favorite Cop Luncheon. Proceeds to be used by "Operation Dream" and the "Henderson Program"
6. OCC Director's Report to the Police Commission
7. Discussion and Action re: Proposition J Contract for Janitorial Services at Hunter's Point Building 606
8. Status Report re: Early Warning System
9. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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(Chapter 67 of the San Francisco Administrative Code)

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AUGUST 14, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Hewlett, Wong

ABSENT: Commissioners Norman, Medina

POLICE COMMISSION REPORT

None

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau briefed the Commission on activities regarding power outage in the City the previous weekend.

PRESENTATION BY EMBARCADERO CENTER (RUSS CAMPBELL AND DENNIS CONAGHAN) OF FUNDS FROM THE FOURTH ANNUAL "MY FAVORITE COP" LUNCHEON; PROCEEDS TO BE USED BY THE "OPERATION DREAM" AND THE "HENDERSON PROGRAM"

Mr. Dennis Conaghan and Russ Campbell presented the Chief with two checks from the proceeds of the 4th Annual "My Favorite Cop" luncheon. One check for "Operation Dream" in the amount of \$2500.00 and the other to the "Henderson Program" in the amount of \$1000.00.

Chief Lau thanked Mr. Campbell and Mr. Conaghan for the checks.

Commissioner Hewlett then recognized and acknowledged Mr. Lefty Gordon from the Ella Hutch Center and discussed the donation from the Embarcadero Center to the Henderson Program.

Deputy Chief Holder gave history of the Henderson Program and Mr. Lefty Gordon also gave some information regarding the Henderson Program and thanked the Department for the donation from the Embarcadero Center.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, Director, presented copies of letter sent to the Assembly opposing Senate Bill 282, Assembly Bill 2236 and Assembly Bill 3434 and Government Code Section 300.

She further stated reorganization of the OCC is proceeding on track and Barbara Attard, of the OCC office, was beginning the outreach program.

She further stated that her staff was looking at patterns regarding complaints.

DISCUSSION AND ACTION RE: PROPOSITION J CONTRACT FOR JANITORIAL SERVICES AT HUNTER'S POINT BUILDING 606

Put over to be recalendared at a later date.

STATUS REPORT RE: EARLY WARNING SYSTEM

Barbara Attard, OCC, described the history of Early Warning System and made a presentation regarding the recent survey.

Sergeant Corriea, Management Control, briefed the Commission regarding the Management Control and counseling sessions regarding the Early Warning System.

Steve Johnson, representative POA, addressed concerns regarding Early Warning System and discussed fine tuning of the system.

There was also discussion regarding proper conduct complaints and not sustain complaints.

Chief Lau discussed the situation, stated the Department will work on language to further fine tune the system and will report back to the Commission at

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a later date.

Commissioner Keker discussed concerns regarding more information regarding nature of complaints and the length of services of officers involved.


PUBLIC COMMENTS

Mr. John Erlich, Sr., discussed concerns regarding fantasy complaints.

Commissioner Keker also stated he was looking forward to the report on the field training officers situation and stated that he hoped that a report would be presented sometime in September.

Commissioner Keker also announced that the arguments regarding Andaya case are over to October 7th.

The meeting was then adjourned at 6:45 p.m.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MARCEL BARRERA
Secretary

CALENDAR OF PROCEEDINGS POLICE COMMISSION MEETING

There will be no Police Commission Regular Meeting on Wednesday, August 21, 1996. The next Police Commission Meeting will be on Wednesday, August 28, 1996, in the Taraval District, to be held at the Taraval Police Station Community Room, 2345 24th Avenue, San Francisco, at 6:00 p.m.

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a later date.

Commissioner Keker discussed concerns regarding more information regarding nature of complaints and the length of services of officers involved.

PUBLIC COMMENTS

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Commissioner Keker also stated he was looking forward to the report on the field training officers situation and stated that he hoped that a report would be



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, AUGUST 28, 1996**

TARAVAL DISTRICT
Taraval Police Station Community Room
2345 24th Avenue
San Francisco, CA

SPECIAL MEETING

Closed Session

5:45 p.m.

Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:

- a. Lee v. City and County of San Francisco, Superior Court No. 974-074

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

a later date.

Commissioner Keker discussed concerns regarding more information regarding nature of complaints and the length of services of officers involved.

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Commissioner Keker also stated he was looking forward to the report on the field training officers situation and stated that he hoped that a report would be



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, AUGUST 28, 1996

TARAVAL DISTRICT
Taraval Police Station Community Room
2345 24th Avenue
San Francisco, CA

6:00 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Minutes of Meetings of May 8th & 22nd, 1996
5. Approval of Consent Calendar
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges filed against Officer Ivan H. Chavez, Taraval Station (File No. C96-131[284])
7. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges filed against Officer David Rios, Taraval Station (File No. DC C96-124[277])
8. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges filed against Officer Daniel Perea, Northern Station (File No. DC C56-244)
9. Police Commission Report
 - a. Motion of Calendaring of New Items
10. Chief's Report to the Police Commission
11. OCC Director's Report to the Police Commission
12. Captain Michael Yalon, Commanding Officer Taraval Station, to Address the Commission on Police Activities in the Taraval District

a later date.

Commissioner Keker discussed concerns regarding more information regarding nature of complaints and the length of services of officers involved.

PUBLIC COMMENTS

Mr. John Erlich, Sr., discussed concerns regarding fantasy complaints.

Commissioner Keker also stated he was looking forward to the report on the field training officers situation and stated that he hoped that a report would be



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, AUGUST 28, 1996**

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

13. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claim:
 - a. Lee v. City and County of San Francisco, Superior Court No. 974-074
2. Request of the Chief of Police to Accept Donation of four (4) Bicycles, from Mr. Tony Patel of Econo Lodge, to be Used at Northern Station
3. Request of the Chief of Police to Accept Donation of \$5,000.00, from Roper Productions, to be used to Purchase Gym Equipment for the Tenderloin Task Force
4. Request of the Chief of Police to Accept Donation of \$1,000.00, from Off Duty Productions, Inc. ("Nash Bridges"), to be used to Purchase Gym Equipment for the Tenderloin Task Force
5. Request of Sergeant Thomas V. Srock to Accept a \$200.00 Court-Ordered Restitution

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a later date.

Commissioner Keker discussed concerns regarding more information regarding nature of complaints and the length of services of officers involved.

PUBLIC COMMENTS

Mr. John Erlich, Sr., discussed concerns regarding fantasy complaints.

Commissioner Keker also stated he was looking forward to the report on the field training officers situation and stated that he hoped that a report would be

The Members of Taraval Police Station

Cordially Invite You To Attend The Monthly District Meeting

Notice
of

***THE SAN FRANCISCO
POLICE COMMISSION***

WEDNESDAY, AUGUST 28, 1996

6:00 PM

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**Taraval Police Station Community Room
2345 - 24th Avenue**

Handicapped Parking Available
Ample free parking on Santiago Street along Mc Coppin Square

Meet the Commissioners & express your concerns.

AUGUST 28, 1996

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in the Taraval Police Station Community Room, 2345 24th Avenue, San Francisco, at 5:45 p.m., in a Closed Session.

Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:

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a. Lee v. CCSF, Superior Court No. 974-074

PRESENT: Commissioners Keker, Hewlett, Medina, Wong
ABSENT: Commissioner Norman

AUGUST 28, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Taraval Police Station Community Room, 2345 24th Avenue, San Francisco, at 6:20 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Hewlett, Medina, Wong
ABSENT: Commissioner Norman

Commissioner Keker welcomed the audience, introduced the Command Staff, Mary Dunlap, OCC, and Mr. Paul Cummins, representative of the District Attorney's office.

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

Commissioner Keker stated there was nothing disclosed on Closed Session.

APPROVAL OF MINUTES OF MEETINGS OF MAY 8TH & 22ND, 1996

Approval of minutes of meetings of May 8th and 22nd, 1996, the Commission having received, approved and returned copies of same.

AYES: Commissioners Keker, Hewlett, Medina, Wong
ABSENT: Commissioner Norman

APPROVAL OF CONSENT CALENDAR

Consent Calendar approved except for Item No. 1 which is put over one week.

RESOLUTION NO. 140-96

APPROVAL TO ACCEPT DONATION OF FOUR (4) BICYCLES, FROM MR. TONY PATEL OF ECONO LODGE, TO BE USE AT NORTHERN STATION

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of four (4) bicycles, from Mr. Tony Patel of Econo Lodge, to be used at Northern Station

AYES: Commissioners Keker, Hewlett, Medina, Wong
ABSENT: Commissioner Norman

RESOLUTION NO. 141-96**APPROVAL TO ACCEPT DONATION OF \$5,000.00, FROM ROPER PRODUCTIONS, TO BE USED TO PURCHASE GYM EQUIPMENT FOR THE TENDERLOIN TASK FORCE**

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of \$5,000.00, from Roper Productions, to be used to purchase gym equipment for the Tenderloin Task Force.

AYES: Commissioners Keker, Hewlett, Medina, Wong
 ABSENT: Commissioner Norman

RESOLUTION NO. 142-96**APPROVAL TO ACCEPT DONATION OF \$1,000.00, FROM OFF DUTY PRODUCTIONS, INC. ("NASH BRIDGES"), TO BE USED TO PURCHASE GYM EQUIPMENT FOR THE TENDERLOIN TASK FORCE**

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of \$1,000.00, from Off Duty Productions, Inc. ("Nash Bridges"), to be used to purchase gym equipment for the Tenderloin Task Force.

AYES: Commissioners Keker, Hewlett, Medina, Wong
 ABSENT: Commissioner Norman

RESOLUTION NO. 143-96**APPROVAL OF REQUEST OF SERGEANT THOMAS V. SROCK TO ACCEPT A \$200.00 COURT-ORDERED RESTITUTION**

RESOLVED, that the Police Commission hereby approves request of Sergeant Thomas V. Srock to accept a \$200.00 court-ordered restitution.

AYES: Commissioners Keker, Hewlett, Medina, Wong
 ABSENT: Commissioner Norman

RESOLUTION 144-96**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE ON CHARGES FILED AGAINST OFFICER IVAN H. CHAVEZ, TARAVAL STATION (FILE NO. C96-131[284] JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Ivan H. Chavez, Taraval Station, was called it having been set for this date; and

WHEREAS, Commissioner John Keker is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Chavez; therefore be it

RESOLVED, that Commissioner Keker is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Ivan H. Chavez and is to be set at a later date.

AYES: Commissioners Keker, Hewlett, Medina, Wong
 ABSENT: Commissioner Norman

RESOLUTION 145-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE ON CHARGES FILED AGAINST OFFICER DAVID RIOS, TARAVAL STATION (FILE NO. DC C96-124[277])

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer David Rios, Taraval Station, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Rios; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer David Rios and is to be set at a later date.

AYES: Commissioners Keker, Hewlett, Medina, Wong
ABSENT: Commissioner Norman

RESOLUTION 146-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE ON CHARGES FILED AGAINST OFFICER DANIEL PEREA, NORTHERN STATION (FILE NO. DC C56-244)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Daniel Perea, Northern Station, was called it having been set for this date; and

WHEREAS, Commissioner Jose Medina is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Perea; therefore be it

RESOLVED, that Commissioner Medina is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Daniel Perea and is to be set at a later date.

AYES: Commissioners Keker, Hewlett, Medina, Wong
ABSENT: Commissioner Norman

POLICE COMMISSION REPORT

None.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau greeted the audience and deferred to Captain Yalon.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap greeted the audience and described the duties and responsibilities of the OCC.

CAPTAIN MICHAEL YALON, COMMANDING OFFICER TARAVAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TARAVAL DISTRICT

Captain Yalon greeted the audience and gave history of the Taraval Station and discussed on-going policing in the district.

PUBLIC COMMENTS

Lily Sims, OMI, thanked the Chief for officers assigned to Taraval.

Minnie Ward, Neighbors in Action, thanked the department for their actions in the district.

Terrence Allen discussed concerns regarding 938 Harrison Street and talked of return of property taken from him on that date. He also discussed dismissal of some of the charges against officers involved in the Harrison Street case.

Meeting was adjourned at 7:00 p.m.

A handwritten signature in dark ink, appearing to read 'Manuel Barretta', is written over a horizontal line.

Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, SEPTEMBER 4, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

SPECIAL MEETING

CLOSED SESSION

Room 505-2
4:45 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigations:

- a. Officers for Justice v. Civil Service Commission, et. al. USDC C73-0657
- b. California State Automobile Assn. v. CCSF, Unlitigated Claim #95-04166
- c. Joanne Welsh v. CCSF, et al., USDC No. C93-3722 DLJ
- d. Virgilio Estillore, et al v. CCSF, Superior Court No. 975-030
- e. Lee v. City and County of San Francisco, Superior Court No. 974-074

PUBLIC COMMENTS

Lily Sims, OMI, thanked the Chief for officers assigned to Taraval.

Minnie Ward, Neighbors in Action, thanked the department for their actions in the district.

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, SEPTEMBER 4, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

Room 551
5:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Minutes of Meetings of May 15, 1996 & June 5, 1996
5. Approval of Consent Calendar
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Amended Charges filed against Officer Michael R. Robison, Mission Station (File No. C0291-95 BSK)
7. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges filed against Officer William T. Taylor, Ingleside Station (File No. C96-147(300) JWA)
8. Filing of Additional Charges and Disposition re: Charges filed against Officer Francis J. Hogue (File Nos. C96-154(307) & C34-182 RLC)
 - a. Notification of Resignation of Officer Francis J. Hogue
9. Police Commission Report
10. Chief's Report to the Police Commission
11. OCC Director's Report to the Police Commission

PUBLIC COMMENTS

Lily Sims, OMI, thanked the Chief for officers assigned to Taraval.

Minnie Ward, Neighbors in Action, thanked the department for their actions in the district.

Terrence Allen discussed concerns regarding 938 Harrison Street and talked of return of property taken from him on that date. He also discussed dismissal of some of the charges against officers involved in the Harrison Street case.



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, SEPTEMBER 4, 1996**

12. Request of the Chief of Police for Authorization to Officially Apply to the United States Department of Education for 100% Public Benefit Transfer of Building 461 and the Gymnasium, located at the Naval Station Treasure Island, to the San Francisco Police Department
13. Presentation of the Affirmative Action Plan of the San Francisco Police Department
14. Discussion and Action re: Transfer of San Francisco Patrol Special Beats 10 and 20 (Estate of Gilbert Andrus, Beat Owner/Operator)
15. Status Report re: Safety in the Parks
16. Discussion and Action re: Adoption or Rejection of the PC&N Hearing Officer's Findings of Fact for the Public Convenience and Necessity Taxicab Permits
17. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

PUBLIC COMMENTS

Lily Sims, OMI, thanked the Chief for officers assigned to Taraval.

Minnie Ward, Neighbors in Action, thanked the department for their actions in the district.

Terrence Allen discussed concerns regarding 938 Harrison Street and talked of return of property taken from him on that date. He also discussed dismissal of some of the charges against officers involved in the Harrison Street case.



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, SEPTEMBER 4, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:
 - a. California State Automobile Assn. v. CCSF, Unlitigated Claim #95-04166 \$12,099.60
 - b. Joanne Welsh v. CCSF, et al, USDC No. C93-3722 DLJ \$288,406.00
 - c. Virgilio Estillore, et al v. CCSF, Superior Court No. 975-030 \$8,000.00
 - d. Lee v. City and County of San Francisco, Superior Court No. 974-074
2. Request of the Chief of Police for Approval to Accept Donation of \$5,000.00 from the Roper Productions to Purchase Gym Equipment for the Tenderloin Task Force
3. Request of the Chief of Police for Approval to Accept Donation from the Port of San Francisco, of Two (2) Mountain Bicycles, for use by Officers assigned at Central Station, valued at \$1,278.28
4. Request of the Chief of Police for Approval to Accept Donation from Fisherman's Wharf Merchants, of Eleven (11) Mountain Bicycles, for use by Officers assigned at Central Station, valued at \$440.00 each
5. Request of the Chief of Police for Approval to Accept Donation from Mr. James Fuller, of Exercise Equipment, for use of Northern Station

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

SEPTEMBER 4, 1996

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, at 4:30 p.m., in Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL

Existing Litigations:

- a. Officers for Justice v. Civil Service Commission, et. al., USDC C73-0657
- b. California State Automobile Assn. v. CCSF, Unlitigated Claim #95-04166
- c. Joanne Welsh v. CCSF, Superior Court No. 975-030
- d. Virgilio Estillore, et al v. CCSF, Superior Court No. 975-030
- e. Lee v. City and County of San Francisco, Superior Court No. 974-074

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong

SEPTEMBER 4, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

Commissioner Keker stated that the Commission met in closed session; discussed the matter of Officers' for Justice v. Civil Service Commission. There was no action taken.

APPROVAL OF MINUTES OF MEETINGS OF MAY 15, 1996 & JUNE 5, 1996

Approval of minutes of meetings of May 15, 1996 and June 5, 1996, the Commissioners having received, approved and returned copies of same.

Motion by Commissioner Medina, second by Commissioner Hewlett.

Approved 5-0.

Ayes: Commissioners Keker, Norman, Hewlett, Medina, Wong

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 152-96

CALIFORNIA STATE AUTOMOBILE ASSN. v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "California State Automobile Assn. v. CCSF" in Unlitigated Claim No. 95-04166 for damages sustained, be, and the same is hereby approved.

Date of Incident: April 4, 1996

AYES: Commissioners Keker, Norman, Hewlett, Medina,
Wong

RESOLUTION NO. 153-96

JOANNE WELSH v. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Welsh v. City and County of San Francisco" in U.S. District Court No. C93-3722 DLJ for damages sustained, be, and the same is hereby

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approved.

Date of Incident: November 1989 to January 1990; November 1992 to January 1995

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 154-96

VIRGILIO ESTILLORE, et al v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Virgilio Estillore, et al. v. Anna Teresita Lee, et al" in San Francisco Superior Court No. 975-030 for damages sustained, be, and the same is hereby approved.

Date of Incident: June 16, 1995

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 155-96

FRANK S. LEE v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Frank S. Lee v. City and County of San Francisco" in Superior Court Case Number C-974-074 for damages sustained, be, and the same is hereby approved.

Date of Incident: December 29, 1994 - present date

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 156-96

APPROVAL TO ACCEPT DONATION OF \$5,000.00 FROM THE ROPER PRODUCTIONS TO PURCHASE GYM EQUIPMENT FOR THE TENDERLOIN TASK FORCE

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of \$5,000.00 from the Roper Productions to purchase gym equipment for the Tenderloin Task Force.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 157-96

APPROVAL TO ACCEPT DONATION, FROM THE PORT OF SAN FRANCISCO, OF TWO (2) MOUNTAIN BICYCLES, FOR USE BY OFFICERS ASSIGNED AT CENTRAL STATION

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of two (2) mountain bicycles, from the Port of San Francisco, for use by the officers assigned to Central Station, valued at \$1,278.28.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 158-96

APPROVAL TO ACCEPT DONATION FROM FISHERMAN'S WHARF

MERCHANTS, OF ELEVEN (11) MOUNTAIN BICYCLES, FOR USE BY OFFICERS ASSIGNED AT CENTRAL STATION

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of eleven (11) mountain bicycles from the Fisherman's Wharf Merchants, for use by officers assigned at Central Station, valued at \$440.00 each.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 159-96

APPROVAL TO ACCEPT DONATION FROM MR. JAMES FULLER OF EXERCISE EQUIPMENT, FOR USE OF NORTHERN STATION

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation from Mr. James Fuller of exercise equipment for use of Northern Station, valued at \$500.00.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 147-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON AMENDED CHARGES FILED AGAINST OFFICER MICHAEL R. ROBISON, MISSION STATION (FILE NO. C0291-95 BSK)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Michael R. Robison was called it having been set for this date; and

WHEREAS, Commissioner John Keker is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Michael R. Robison; therefore be it

RESOLVED, that Commissioner Keker is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Michael R. Robison and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 148-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER WILLIAM T. TAYLOR, INGLESIDE STATION (FILE NO. C96-147[300] JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer William T. Taylor was called it having been set for this date; and

WHEREAS, Commissioner John Keker is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer William T. Taylor; therefore be it

RESOLVED, that Commissioner Keker is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer William T. Taylor and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION 149-96**RESIGNATION OF OFFICER FRANCIS J. HOGUE, TENDERLOIN
TASK FORCE (FILE NOS. C96-154[307] & C34-182 RLC)**

WHEREAS, on March 28, 1994 and August 28, 1996, Fred H. Lau, Chief of Police and Anthony D. Ribera, former Chief of Police, made and served charges against Police Officer Francis J. Hogue, as follows:

FILE NO. RLC C34-182**SPECIFICATION NO. 1**

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failing to devote entire on-duty time to the achievement of the mission of the Police Department (violation of Rule I.A.1. of General Order D-1, of the San Francisco Police Department);

SPECIFICATION NO. 3

Leaving assigned patrol area, (violation of Rule I.A.1. of General Order D-11 of the San Francisco Police Department);

FILE NO. C96-154(307) RLC**SPECIFICATION NO. 1**

Being disqualified from holding office as a peace officer because of a felony conviction [California Government Code 1029(a)(1)];

and

WHEREAS, the Police Department was in receipt of the resignation of Police Officer Francis J. Hogue from the San Francisco Police Department, said resignation effective close of business September 3, 1996; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Francis J. Hogue, be, and the same are hereby continued off calendar.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

POLICE COMMISSION REPORT

Commissioner Keker announced that Monday, September 9, 1996, the Harrison case would start and that the hearing was open to the public. He also discussed motions regarding the Aaron Williams' matter.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau discussed event regarding Bike Messengers and that there were no complaints and he commended the officers.

Commissioner Keker congratulated the FOB for handling of that matter.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, OCC Director, discussed the goals of the OCC. She

discussed plans for outreach methods, tracking of back-logged cases, commended her staff for closing 75 cases. She further discussed further targets and goals and will report to the Commission on October.

Ms. Dunlap stated that she personally will not attend the Harrison case but other OCC personnel will to observe.

She also discussed Senate Bill 282, Senate Bill 3434.

She also discussed problems regarding parking space for OCC and Commissioner Keker discussed problems regarding OCC and Commission spaces in the basement of the Hall.

Commissioner Norman asked Director Dunlap regarding OCC and POA relationship. Director Dunlap stated she hopes to work through any differences between the POA and the OCC. Commissioner Norman discussed hostility between officers and OCC and Director Dunlap stated she would set-up a meeting or a conference with the POA to discuss on-going relations.

RESOLUTION NO. 150-96

AUTHORIZATION FOR THE CHIEF OF POLICE TO OFFICIALLY APPLY TO THE UNITED STATES DEPARTMENT OF EDUCATION FOR 100% PUBLIC BENEFIT TRANSFER OF BUILDING 461 AND THE GYMNASIUM, LOCATED AT THE NAVAL STATION TREASURE ISLAND, TO THE SAN FRANCISCO POLICE DEPARTMENT

WHEREAS, the San Francisco Police Department wishes to acquire Building 461 and the Gymnasium located at the Naval Station Treasure Island, San Francisco, California, through an application process for 100 percent public benefit transfer of Federal surplus property to educational use; now, therefore be it

RESOLVED, that the Police Commission hereby authorizes Chief of Police Fred H. Lau to officially apply to the United States Department of Education for 100 percent public benefit transfer of Building 461 and the Gymnasium located at the Naval Station Treasure Island, to the San Francisco Police Department.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

DISCUSSION AND ACTION RE: TRANSFER OF SAN FRANCISCO PATROL SPECIAL BEATS 10 AND 20 (ESTATE OF GILBERT ANDRUS, BEAT OWNER/OPERATOR)

Taken out of order.

Linda Ross, Deputy City Attorney, requested the matter be put over to October 2nd.

DISCUSSION AND ACTION RE: ADOPTION OR REJECTION OF THE PC&N HEARING OFFICER'S FINDINGS OF FACT FOR THE PUBLIC CONVENIENCE AND NECESSITY TAXICAB PERMITS

Taken out of order.

Chief Lau discussed used of permits. Commissioner Hewlett asked regarding conditions attached to number of permits issued.

PUBLIC COMMENTS re: Taxi Permits

Mary Dee, security Saint Francis, feel that extra taxis are important.

Fred Brown, SF Taxicab driver, discussed concerns regarding importance of ramp taxis.

Mr. Fishman discussed concerns regarding additional cabs and that shortage are severe presently.

Commissioner Norman commented regarding the last meeting on taxi issue. She discussed the authority of the Police Department and the Commission as far as taxi companies are concern. She further discussed gate fees.

Officer Farrell Suslow discussed number of taxis at the airport is up to the Airport Commission but it is the City's responsibility to make sure the airport and the City have enough taxis. He also discussed gate fees regarding Prop J in November were written by the attorneys representing cab companies. He also discussed medallions and permits.

Commissioner Norman discussed how many people get permits.

Dave Barlow, United Service Cab Workers, addressed his concerns.

Motion by Commissioner Hewlett that, pursuant to the Mayor's recommendations, a hundred permits with conditions, 20 ramp taxis, and that a hearing on the conditions be calendared for October 2nd. Commissioner Hewlett also asked for the department's recommendations regarding forming the conditions to be applied for the new permits. Conditions put over to October 2nd.

PRESENTATION OF THE AFFIRMATIVE ACTION PLAN OF THE SAN FRANCISCO POLICE DEPARTMENT

Assistant Chief Sanders presented the report and update. He thanked Julie Gonzales for her efforts and work and stated that this is an on-going process.

Julie Gonzales, Consent Decree, thanked Ms. Lisa Vanni who helped with the report.

Commissioner Hewlett then asked regarding the breakdown of the number of sworn members by ethnicity.

Commissioner Medina leaves 7:20 p.m.

Chief Sanders discussed increased recruitment, outreach to other counties.

Commissioner Hewlett then discussed the affirmative action goals, the Consent Decree goals.

Chief Lau discussed department goals.

Commissioner Hewlett discussed meeting consent decrees goals. She also stated that Julie Gonzales is doing an exceptional job in the consent decree in attaining the goals of the consent decree and as Chief Sanders stated that the department is taking a proactive measure concerning the Consent Decree and Affirmative Action plan.

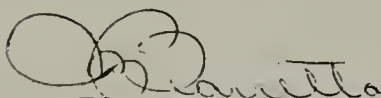
STATUS REPORT RE: SAFETY IN THE PARKS

Commander Santos, FOB, addressed the Commission regarding Safety in the Park. He stated that program started in July and he will be meeting with the citizens and Park & Rec.

PUBLIC COMMENTS

None.

Thereafter, the meeting was adjourned at 7:45 p.m.



Lieutenant Manuel Barretta
Secretary

THE POLICE COMMISSION



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
MONDAY THROUGH FRIDAY
SEPTEMBER 9, 1996 - SEPTEMBER 20, 1996**

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

SPECIAL MEETINGS

**ROOM 551
2:00 P.M.**

Taking of Evidence re: 938 Harrison Street Case

**Sergeant John Haggett
Sergeant Stephen Bosshard
Sergeant Ed Santos
Officer Hoyt Wong**

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

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DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

**CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING**

There will be no Police Commission Regular Meetings on Wednesdays, September 11th & 18th, 1996. The next Police Commission Meeting will be on Wednesday, September 25, 1996, in the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, at 5:30 p.m.

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1. The standard accounts with conditions will come later and that a



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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, SEPTEMBER 25, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

SPECIAL MEETING

CLOSED SESSION

Room 505-2
5:00 p.m.

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1. Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigations:

- a. Jane Doe v. City & County of San Francisco, et al., United States District Court,
N.D. Cal. No. C95-1733
- b. Goldbarg Fahid, et al. v. CCSF USDC No. C94-3523 CAL

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary





The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, SEPTEMBER 25, 1996

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

PUBLIC SESSION

Room 551

5:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Minutes of Meetings of June 12, 1996 and June 26, 1996
5. Approval of Consent Calendar
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges filed against Inspector Gregory L. Ovanessian, Burglary (File No. C96-118(271)JWA)
7. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges filed against Inspector Daniel J. Yawczak, Fraud (File No. C96-119(272)JWA)
8. Police Commission Report
9. Chief's Report to the Police Commission
10. OCC Director's Report to the Police Commission
11. Presentation of 1996 OCC Second Quarter Report
12. Discussion and Action re: Resignation of Patrol Special Officer Michael Reyes and Transfer of San Francisco Patrol Special Beat 148 to Patrol Special Officer Samuel J. Reyes, Sr.



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, SEPTEMBER 25, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

13. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

LT. MANUEL BARRETTA
Secretary

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Jane Doe v. City & County of San Francisco, et al., United States District Court, N.D. Cal. No. C95-1733
 - b. Goldbarg Fahid, et al. v. CCSF USDC No. C94-3523 CAL
2. Request of the Chief of Police for Approval of Taxicab Owner's Permit for Mr. Olivo Dallagacoma
3. Request of the Chief of Police for Approval to Accept Gift of Equipment from the Department of Defense: Small Arms Cases, 66 each; Body Armor, Small, 31 each; Medium Armor, one each; Helmet CVC, 4 each; Helmet CVC, 4 each; Rnck, Storage Small Arms, one each; Rnck, Storage, Rifle, 11 each; Body Armor Covers, 144 each;
4. Request of the Chief of Police for Approval to Accept Gift of Utility Vehicles from the Department of Defense: 1988 Chevrolet-GMC Bonaventure 8 passenger van; 1985 Chrysler, B-250, 8 passenger van; 1985 Dodge-Chrysler, Power Ram 350 Truck; 1985 Plymouth-Chrysler, Reliant, 4 door sedan; 1986 Plymouth-Chrysler, Reliant 4 door sedan; 1986 Plymouth-Chrysler, Reliant 4 door sedan; 1988 Plymouth-Chrysler, Reliant, 4 door sedan; 1985 Chevrolet, utility van; Two (2) Utility Fork Lifts; Four (4) IKON Systems Inc, 6 KW Generator with Floodlights Sets

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

SEPTEMBER 25, 1996

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, at 5:00 p.m., in Room 505-2, 850 Bryant Street, in Closed Session.

Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigations:

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- a. Jane Doe v. City & County of San Francisco, et al., United States District Court, N.D. Cal. No. C95-1733
- b. Goldbarg Fahid, et al. V. CCSF, USDC No. C94-3523 CAL

PRESENT: Commissioners Norman, Hewlett, Medina
ABSENT: Commissioners Keker, Wong

SEPTEMBER 25, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Hewlett, Medina
ABSENT: Commissioners Keker, Wong

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

The Commission voted to disclose that they met on two settlement cases and approved both. Commissioner Hewlett announced the amounts.

APPROVAL OF MINUTES OF MEETINGS OF JUNE 12, 1996 AND JUNE 26, 1996

Approval of minutes of meetings of June 12, 1996 and June 26, 1996, the Commissioners having received, approved and returned copies of same.

Motion by Commissioner Medina, second by Commissioner Hewlett.
Approved 3-0.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 160-96

JANE DOE v. CITY AND COUNTY OF SAN FRANCISCO, et al.

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Jane Doe v. City and County of San Francisco" in United States District Court No. C95-1733 for damages sustained, be, and the same is hereby approved.

Date of Incident: March 18, 1994

AYES: Commissioners Norman, Hewlett, Medina
ABSENT: Commissioners Keker, Wong

RESOLUTION NO. 161-96

GOLDBARG FAHID, et al. v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Fahid v. City and County of San Francisco, et al." in United States District Court, N.D. Cal. Case No. C94-3523 CAL for damages sustained,

be, and the same is hereby approved.

Date of Incident: November 29, 1993

AYES: Commissioners Norman, Hewlett, Medina
ABSENT: Commissioners Keker, Wong

RESOLUTION NO. 162-96

**APPROVAL OF TAXICAB OWNER'S PERMIT FOR MR. OLIVO
DALLAGACOMA**

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that the above named individual, based on his application and the San Francisco Permit Bureau certifications, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Olivo Dallagacoma

AYES: Commissioners Norman, Medina, Hewlett
ABSENT: Commissioners Keker, Wong

RESOLUTION NO. 163-96

**APPROVAL TO ACCEPT GIFT OF EQUIPMENT FROM THE
DEPARTMENT OF DEFENSE: SMALL ARMS CASES, 66 EACH; BODY
ARMOR, SMALL, 31 EACH; MEDIUM ARMOR; ONE EACH; HELMET,
CVC, 4 EACH; HELMET CVC, 4 EACH; RNCK, STORAGE; SMALL
ARMS, ONE EACH; RNCK, STORAGE RIFLE, 11 EACH; BODY
ARMOR COVERS, 144 EACH**

WHEREAS, the San Francisco Police Department is in need of equipment to be available in emergency situations; and

WHEREAS, the Department of Defense has offered to lend the following equipment valued at no costs to the Police Department:

Stock #8465-00-001-6482, small Arms cases, 66 each
Stock #8470-01-092-8498, body Armor, small, 31 each
Stock #8470-01-092-8499, medium Armor, one each
Stock #1005-00-550-8694, helmet CVC, 4 each
Stock #1005-00-550-130-8180, helmet CVC, 4 each
Stock #1095-00-407-0674, Rnck, storage small Arms, one each
Stock #1095-01-236-2203, Rnck, Storage, Rifle 11 each
Stock #8470-01-115-7441, body Armor covers, 144 each

AYES: Commissioners Norman, Hewlett, Medina
ABSENT: Commissioners Keker, Wong

RESOLUTION NO. 164-96

**APPROVAL ACCEPT GIFT OF UTILITY VEHICLES FROM THE
DEPARTMENT OF DEFENSE: 1988 CHEVROLET-GMC
BONAVENTURE 8 PASSENGER VAN; 1985 CHRYSLER, B-250, 8
PASSENGER VAN; 1985 DODGE-CHRYSLER, POWER RAM 350**

**TRUCK; 1985 PLYMOUTH-CHRYSLER, RELIANT, 4 DOOR SEDAN;
1986 PLYMOUTH CHRYSLER, RELIANT-4 DOOR SEDAN; 1986
PLYMOUTH-CHRYSLER, RELIANT 4 DOOR SEDAN; 1988
PLYMOUTH-CHRYSLER, RELIANT, 4 DOOR SEDAN; 1985
CHEVROLET, UTILITY VAN; Two (2) UTILITY FORK LIFTS; FOUR
(4) IKON SYSTEMS INC., 6 KW GENERATOR WITH FLOODLIGHTS
SETS**

WHEREAS, the San Francisco Police Department is in need of utility vehicles/equipment to be available in emergency situations; and

WHEREAS, the Department of Defense has offered to lend the following vehicles/equipment valued at no costs to the Police Department:

VIN 31GNEG2528J713019, Year 1988, make of Vehicle Chevrolet-GMC Bonaventure 8 passenger van;

VIN 2B4HB2155FK263249, year 1985, Make of Vehicle Chrysler, B-250, 8 passenger van;

VIN 1B7KW3619FS599440, Year 1985, Make of Vehicle Dodge-Chrysler, Power Ram 350 Truck;

VIN 1P3BP26D4GF280121, Year 1985 Make of Vehicle Plymouth-Chrysler, Reliant, four door sedan;

VIN 1P3BP26D2GF283468, Year 1986, Make of Vehicle Plymouth-Chrysler, Reliant, four door sedan;

VIN 1P3BP26D2GF283469, Year 1986, Make of Vehicle Plymouth-Chrysler, Reliant, four door sedan;

VIN 1P3BP46DXJF246316, Year 1988, Make of Vehicle Plymouth-Chrysler, Reliant, four door sedan;

VIN 2GCHG31MF4123086, Year 1985, Make of Vehicle Chevrolet, utility van;

Utility Fork Lift, model #ERCO40BBN36SE084, Serial #N453862;

Utility Fork Lift, model #ERCO40BBN36SE084, Serial #N453890

IKON Systems Inc., six KW Generators with Floodlights Set, Serial #89005-trailer mounted;

IKON Systems Inc., six KW Generators with Floodlight Set, Serial #89007-trailer mounted;

IKON Systems Inc., six KW Generators with Floodlight Set, Serial #89008-trailer mounted;

IKON Systems Inc., six KW Generators with Floodlight Set, Serial #89009-trailer mounted;

AYES: Commissioners Norman, Hewlett, Medica
ABSENT: Commissioners Keker, Wong

RESOLUTION 165-96

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE ON
CHARGES FILED AGAINST INSPECTOR GREGORY L. OVANESSION,
BURGLARY DETAIL (FILE NO. C96-118[271] JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Inspector Gregory L. Ovanessian, Burglary, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Ovanessian; therefore be it

RESOLVED, that Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Gregory L. Ovanessian and is to be set at a later date.

AYES: Commissioners Norman, Hewlett, Medina
ABSENT: Commissioner Keker, Wong

RESOLUTION 166-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE ON CHARGES FILED AGAINST INSPECTOR DANIEL J. YAWCZAK, FRAUD DETAIL (FILE NO. C96-119[272] JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Inspector Daniel J. Yawczak, Fraud Detail, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Yawczak; therefore be it

RESOLVED, that Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Daniel J. Yawczak and is to be set at a later date.

AYES: Commissioners Norman, Hewlett, Medina
ABSENT: Commissioner Keker, Wong

POLICE COMMISSION REPORT

Commissioner Norman discussed a neighborhood peace initiative will be working with the police department to focus on youth crime and drug prevention.

CHIEF'S REPORT TO THE POLICE COMMISSION

Assistant Chief Sanders, appearing for Chief Lau, stated that the 911 interim CAD is on track and that the cut-over date is scheduled to January '97. He also stated that negotiations for the Tenderloin Task Force at Eddy and Jones is on going; that building 606 in Hunters Point negotiations is progressing well and that the department is receiving positive remarks from the neighborhood groups in the area.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

OCC Director, Mary Dunlap, presented reports and stated that the caseload of OCC is growing. She also stated that investigator, Larry Shockey, has resigned and she is presently in the process of reorganizing the office. She also discussed some statistical information.

PRESENTATION OF 1996 OCC SECOND QUARTER REPORT

Over to October 2nd.

DISCUSSION AND ACTION RE: RESIGNATION OF PATROL SPECIAL

**OFFICER MICHAEL REYES AND TRANSFER OF SAN FRANCISCO
PATROL BEAT 148 TO PATROL SPECIAL OFFICER SAMUEL J.
REYES, SR.**

Jerry Akins appearing for the Department.

Motion by Commissioner Hewlett, second by Commissioner Medina.

Approved 3-0. Resignation accepted and transfer of beat 148.

RESOLUTION NO. 167-96

**RESIGNATION OF PATROL SPECIAL OFFICER MICHAEL REYES
AND TRANSFER OF SAN FRANCISCO PATROL SPECIAL BEAT 148
TO PATROL SPECIAL OFFICER SAMUEL J. REYES, SR. (FILE NOS.
C56-077 & C56-137 JWA)**

WHEREAS, on February 27, 1996, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Patrol Special Officer Michael Reyes, as follows:

SPECIFICATION NO. 1

Refusing to obey lawful orders of police officers and refusing to report for interviews regarding allegations of misconduct, (violation of Rules 4.03 and 4.04 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the Department (violation of rule 2.13 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department);

and

WHEREAS, the Police Department was in receipt of the resignation of Patrol Special Officer Michael Reyes from the San Francisco Police Department, said resignation effective close of business February 26, 1996; and

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Patrol Special Officer Michael Reyes, be, and the same are hereby continued off calendar.

AYES: Commissioners Norman, Hewlett, Medina
ABSENT: Commissioners Kecker, Wong

PUBLIC COMMENTS

None.

Thereafter, the meeting was adjourned at 6:20 p.m.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

OCTOBER 1, 1996

SPECIAL MEETING

Procedural hearings for the taking of evidence were conducted by Commissioner Pat Norman on Tuesday, October 1, 1996, Friday, October 4, 1996, and Monday, October 7, 1996:

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST OFFICER HAROLD JOHNSON, SUPPORT SERVICES(FILE NOS. C56-037 & C56-208 JWA)

OCTOBER 1, 1996

The hearing for taking of evidence in the disciplinary charges filed against Officer Harold Johnson was called at 10:15 a.m., it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Harold Johnson was present and was represented by Mr. John Prentice, Attorney at Law.

Opening statement was made by Mr. Jerry Akins.

The following witnesses were called by the Prosecution, were sworn and testified:

- Mr. Otis Chenault
- Mr. John Daniel Hanavan
- Inspector Michael Gaynor
- Mr. Patrick Burke

The following witness was called by the Defense, was sworn and testified:

Ms. Cynthia Johns (Called out of Order)

The following exhibits were identified and entered into evidence by the Prosecution:

- | | |
|----------------|-------------------------------------|
| Exhibit No. 1 | Tape of Phone Message |
| Exhibit No. 2 | Transcript of Tape Exhibit #1 |
| Exhibit No. 3 | Copy of Paramedic Report |
| Exhibit No. 4a | Photos |
| Exhibit No. 4b | Photos |
| Exhibit No. 4c | Photos |
| Exhibit No. 5 | Proof Sheet |
| Exhibit No. 6a | Photo - Thelma Johnson |
| Exhibit No. 6b | Two Photos - Thelma Johnson's Elbow |
| Exhibit No. 6c | Two Photos - Thelma Johnson's Elbow |
| Exhibit No. 7 | Phone |
| Exhibit No. 8 | Two Photos |

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Exhibit No. 9	Photo
Exhibit No. 10	Copy Page 6 Police Report 951187939
Exhibit No. 11	Copy Pages 7 & 8 Police Report 951187939
Exhibit No. 12	Diagram - 569 Page Street

The following exhibits were entered for identification by the Defense:

Exhibit No. A	Note from Thelma Johnson
Exhibit No. B	Copy Acknowledgement of Civil Compromise
Exhibit No. C	Report - Diversion Report - Harold Johnson dated 1/24/96

The hearing was then adjourned, to be continued on Friday, October 4, 1996 at 8:00 a.m.

Recess taken during the hearing of Officer Johnson:

11:15 a.m. - 11:30 a.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

OCTOBER 4, 1996

The hearing for taking of evidence in the disciplinary charges filed against Officer Harold Johnson was called at 8:10 a.m., it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Harold Johnson was present and was represented by Mr. John Prentice, Attorney at Law.

The following witnesses were called by the Prosecution, were sworn and testified:

Sergeant Alan Lim

The following witness was called by the Defense, was sworn and testified:

Officer Donald Kosewic

Opening statement was made by Mr. John Prentice.

The following witnesses were called by the Defense, were sworn and testified:

Ms. Jacqueline D. Johnson
Ms. Katie Johnson
Officer Harold Johnson

The hearing was then adjourned at 12:30 p.m., to be continued on Monday, October 7, 1996 at 10:30 a.m.

Recess taken during the hearing of Officer Johnson:

9:30 a.m. - 10:25 a.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

OCTOBER 7, 1996

The hearing for taking of evidence in the disciplinary charges filed against Officer Harold Johnson was called at 10:35 a.m., it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Harold Johnson was present and was represented by Mr. John Prentice, Attorney at Law.

The following witness was called by the defense, was sworn and testified:

Officer Harold Johnson

****The following exhibit was entered as Police Commission Exhibit:**

**Exhibit #1 Letter to the Commission from Ms. Thelma Johnson
 Dated 10/7/96**

The hearing was then adjourned.

Recess taken during the hearing of Officer Johnson:

11:25 a.m. - 11:40 a.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter the hearing was then adjourned.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 2, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

SPECIAL MEETING

CLOSED SESSION

Room 505-2
5:15 p.m.

1. Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigations:
 - a. Timothy Wells v. CCSE, Municipal Court No. 118-386

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

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Fax Copy 151
Posted 9/27/96

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

OCTOBER 7, 1996

The hearing for taking of evidence in the disciplinary charges filed against Officer Harold Johnson was called at 10:35 a.m., it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Harold Johnson was present and was represented by Mr. John



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 2, 1996**

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

PUBLIC SESSION

**Room 551
5:30 p.m.**

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

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1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Minutes of Meetings of July 10, 1996 and July 17, 1996
5. Approval of Consent Calendar
6. Police Commission Report
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Discussion and Action re: Transfer of San Francisco Patrol Special Beats 10 and 20 (Estate of Gilbert Andrus, Beat Owner/Operator)
10. Presentation of 1996 OCC Second Quarter Report
11. Request of the Chief of Police for Approval of Amendment to San Francisco Administrative Code Section 16.6-47.1 Authorizing Police Department Membership in Specified Organizations
12. Discussion and Action re: Adoption of Recommendations and Stipulations for Taxicabs

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

OCTOBER 7, 1996

The hearing for taking of evidence in the disciplinary charges filed against Officer Harold Johnson was called at 10:35 a.m., it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Harold Johnson was present and was represented by Mr. John



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 2, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

13. Discussion and Action re: Appointment of "Hearing Officer" to Conduct the Taxicab Public Convenience & Necessity Hearings
14. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Timothy Wells v. CCSF, Municipal Court No. 118-386
2. Request of the Chief of Police for Approval to Accept Donation of 5,000 rounds of .223 Caliber Rifle Ammunition, from Mr. George K. Merijohn, valued at approximately \$1,457.00 for use of the Crime Prevention Company

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
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OCTOBER 2, 1996**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:35 p.m., in a Regular Meeting.,

PRESENT: Commissioners Keker, Norman, Hewlett, Medina, Wong

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

Commissioner Keker stated that the Commission did not meeting in closed session.

APPROVAL OF MINUTES OF MEETINGS OF JULY 10, 1996 AND JULY 17, 1996

Approval of minutes of meetings of July 10, 1996 and July 17, 1996, the Commissioners having received, approved and returned copies of same.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

APPROVAL OF CONSENT CALENDAR**RESOLUTION NO. 169-96****TIMOTHY WELLS v. CCSF**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Timothy Wells v. City and County of San Francisco" in San Francisco Municipal Court No. 118-386 for damages sustained, be, and the same is hereby approved.

Date of Incident: July 28, 1994

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

RESOLUTION NO. 170-96**APPROVAL TO ACCEPT DONATION OF 5,000 ROUNDS OF .223 CALIBER RIFLE AMMUNITION, FROM MR. GEORGE K. MERIJOHN, VALUED AT APPROXIMATELY \$1,457.00 FOR USE OF THE CRIME PREVENTION COMPANY**

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of 5,000 rounds of .223 caliber rifle ammunition, from Mr. George K. Merijohn, valued at approximately \$1,457.00, for use of the Crime Prevention Company.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

POLICE COMMISSION REPORT

Commissioner Keker stated that there is no meeting next week and that it will be hearing decision on 938 Harrison Street case.

Commissioner Norman thanked Mission Station for their efforts during the bus caravan which included the Reverend Jesse Jackson.

Commissioner Hewlett commended the Housing Task Force members for their efforts with children.

Commissioner Keker also stated that on October 7th, the hearing on Aaron Williams' matter will take place beginning October 7th.

CHIEF'S REPORT TO THE POLICE COMMISSION

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Chief Lau briefed the Commission on final negotiations and lease negotiations regarding Hunters Point area. He also discussed negotiations on the new station for the Tenderloin Task Force. He discussed possible site at Treasure Island for new academy and he will keep the Commission updated regarding any new changes regarding any of these situations.

The Chief also stated the Command Staff will be meeting regarding upcoming promotions of future captains and sergeants.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap briefed the Commission regarding cases pending in MCD, Harrison Street and the Aaron Williams' matter. Ten were back to OCC; three were being investigated further; four waiting Chief's hearings; 32 total cases regarding Aaron Williams and 938 Harrison Street.

She briefed the Commission on status of the cases and at what level they are presently and also she discussed statistical reporting and that OCC is working on a new procedure regarding future reports. She also stated she will be distributing a survey to the Commission asking what type of information they would like reported back.

Ms. Dunlap also stated they hired new investigators who will start November and that the new investigators are working well in the office.

DISCUSSION AND ACTION RE: TRANSFER OF SAN FRANCISCO PATROL SPECIAL BEATS 10 AND 20 (ESTATE OF GILBERT ANDRUS, BEAT OWNER/OPERATOR)

Taken off calendar.

PRESENTATION OF 1996 OCC SECOND QUARTER REPORT

Calendar in error.

RESOLUTION NO. 171-96

APPROVAL OF AMENDMENT TO SAN FRANCISCO ADMINISTRATIVE CODE SECTION 16.6-47.1 AUTHORIZING POLICE DEPARTMENT MEMBERSHIP IN SPECIFIED ORGANIZATIONS

WHEREAS, the San Francisco Police Department wishes to enhance a wide range of its members skills in the performance of law enforcement responsibilities; and

WHEREAS, membership in law enforcement-related scientific, investigative, and professional associations and organizations permits the Department to maintain and to improve member performance; now therefore be it

RESOLVED, that the Police Commission requests the Mayor to urge the Board of Supervisors to approve the attached proposed ordinance which amends Administrative Code Section 16.6-47.1 by adding ten (10) organizations to the list of authorized memberships for the San Francisco Police Department.

AYES: Commissioners Keeler, Norman, Hewlett, Medina, Wong

DISCUSSION AND ACTION RE: ADOPTION OF RECOMMENDATIONS AND STIPULATIONS FOR TAXICABS

Officer Farrell Suslow, Taxi Detail, presented recommendations and described stipulations and conditions.

PUBLIC COMMENTS re: Taxi

Barry Toronto, taxi driver, asked a committee be formed to seek public

concerns.

Jotek Katjela against adoption

Motion by Commissioner Hewlett, second by Commissioner Wong to approve as set forth. Approved 5-0.

RESOLUTION NO. 172-96

ADOPTION OF RECOMMENDATIONS AND STIPULATIONS FOR TAXICABS

WHEREAS, on September 4, 1996, the Police Commission voted to issue 100 additional taxicab permits as part of their 1995 "Public Convenience and Necessity" ruling. As part of the Commission's ruling, the Taxicab Detail was directed to develop "conditions and stipulations" to be placed upon those permits;

WHEREAS, the Taxicab Detail recommended that the Police Commission place the following conditions and stipulations on both the issuance of the 100 new permits and upon those permits reissued during the ensuing year:

1. Color Scheme Holders to:
 - a. Sign declaration acknowledging Owner/Driver requirements of Charter;
 - b. Sign declaration acknowledging that all cabs within their color scheme will begin and end shifts at the company property and turn in all appropriate waybills, lost property and reports at that time and location;
2. Lease arrangements to be limited to three layer.
3. Vehicle to be registered only in the name of the Permit Holder or Color Scheme Company.
4. Insurance policy to be only in the name of the Permit Holder and Color Scheme Company.

In addition to the above conditions, the Taxicab Detail recommends that the Department and the Commission work with other city agencies to:

1. Secure additional cab stands.
2. Amend the Police Code sections regarding insurance rates to reflect appropriate inflation since the establishment of the current requirements.

therefore be it

RESOLVED, that the Police Commission hereby approves the above recommendations and stipulations for taxicabs.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

DISCUSSION AND ACTION RE: APPOINTMENT OF "HEARING OFFICER" TO CONDUCT THE TAXICAB PUBLIC CONVENIENCE & NECESSITY HEARINGS

Chief Lau recommended Captain David Maron as hearing officer and Commissioner Keker, on behalf of the Chief, stated that it's the Chief's authority to appoint who he deems appropriate. No vote necessary.

PUBLIC COMMENTS

Judith Appel, Coalition on Homeless, presented statistics regarding homeless issues and her concerns regarding enforcement of homeless.

Ray Bosworth discussed complaints regarding actions of police on Thursday, October 1st.

Nedra, John Burris' office, discussed concerns on homeless and working with the department.

Mr. Tom Ng, taxi driver, discussed concerns regarding when more cabs will be on the street.

Mark Gruber, taxi driver, applauded the Commission on stand on taxi permits and discussed bumper sticker on cabs regarding "Yes on Prop J."

Lieutenant Lorin addressed election issues.

Ralph Jacobson addressed concerns regarding new permits.

Thereafter, the meeting was adjourned at 6:45 p.m.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

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P. 003



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
THE POLICE COMMISSION
OCTOBER 7, 8, 10 & 11 1996

*** SPECIAL MEETINGS**

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, CA 94103

Room 551
2:00 p.m. - 8:00 p.m.

JOHN KEKER
President

FAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner
DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

Hearing and Taking of Evidence on Charges Filed Against Officer Marc Andaya,
Headquarters Company (File Nos. C56-112 BSK)

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Lieutenant Lorn addressed election issues.



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OCTOBER 7, 8, 10, & 11, 1996SPECIAL MEETINGS

Procedural Hearings for the taking of evidence were conducted by the Police Commission on the October 7, 8, 10, and 11, 1996:

PROCEDURAL HEARINGS FOR TAKING OF EVIDENCE IN DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER MARC ANDAYA, HEADQUARTERS DIVISION

October 7, 1996

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Marc Andaya, Headquarters, was called at 2:00 p.m., it having been set for this date.

Ms. Diane Chin, Mr. Mark Jansen and Ms. Jean Field, Attorneys at Law, appeared on behalf of the San Francisco Police Department and the Office of Citizen Complaints.

Officer Marc Andaya appeared in person and was represented by Mr. Jim Collins and Ms. Kathy Mahoney, Attorneys at Law.

Opening Statements were made by Ms. Diane Chin & Mr. Jim Collins.

Motion to exclude witnesses was granted.

The following witnesses were called by the Department, were sworn and testified:

Amy Armstrong
Shannon Robins
Officer Gerald Louie
Cecilya Lynch

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The following exhibits were identified and entered into evidence by the Department:

Exhibit No. 1	Board Diagram 2700 block Bush Street
Exhibit No. 2	Photo - 2763 Bush Street (Front)
Exhibit No. 3	Photo - 2763 Bush Street (Front Door)
Exhibit No. 4	CAD print-out #51552233B (3 pages)

The following exhibits were entered for identification by the Department:

Exhibit No. 5	Copy of Statement - Officer Gerald Louie #950744274 (Dated 6/5/95)
Exhibit No. 6	Photo Board - 7263 Bush Street (Black & White)

The following exhibits were identified and entered into evidence by the Defense:

Exhibit A	Diagram - 2763 Bush Street
Exhibit B	Photograph - 2763 Bush (Front)
Exhibit C	Photograph - 2763 Bush (Foyer Area)
Exhibit D	Photograph - Bronco from window of 2763 Bush
Exhibit E	Copy Tape - Police Radio
Exhibit F	Photograph - Ram Charger
Exhibit G	Photograph - Bronco (front of 2763 Bush)
Exhibit H	Photograph
Exhibit I	Photograph

The meeting was then adjourned at 6:47 p.m., to be continued on October 8, 1996.

Recesses taken during the hearing of Officer Marc Andaya:

3:40 p.m. - 3:55 p.m.
5:45 p.m. - 6:00 p.m.

PRESENT: Commissioners Keker, Norman, Wong

(The entire proceedings were taken in shorthand form by Ms. Regina Defanti, CSR., and Ms. Mary Ann Zimmerer, CSR.)

October 8, 1996

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Marc Andaya, Headquarters, was called at 2:05, it having been continued from the meeting of October 7, 1996.

Ms. Diane Chin, Mr. Mark Jansen and Ms. Jean Field, Attorneys at Law, appeared on behalf of the San Francisco Police Department and the Office of Citizen Complaints.

Officer Marc Andaya appeared in person and was represented by Mr. Jim Collins and Ms. Kathy Mahoney, Attorneys at Law.

The following witnesses were called by the Department, were sworn and testified:

Officer Marc Andaya
James Mahoney

The following exhibits were entered for identification by the Department:

Exhibit No. 7	OC Canister
Exhibit No. 8	Photographs - Shoes (Side & Bottom)
Exhibit No. 9	Photograph - Shoe
Exhibit No. 10	Copy Resume - James Mahoney

The following exhibits were entered for identification by the Defense:

Exhibit J	Board - Photographs of 10 injured officers
Exhibit K	Copy - General Order 5.01

The meeting was then adjourned at 7:50 p.m., to be continued on October 10, 1996.

Recesses taken during the hearing of Officer Marc Andaya:

3:45 p.m. - 4:00 p.m.
4:45 p.m. - 4:55 p.m.
6:30 p.m.

PRESENT: Commissioners Hewlett, Wong

(The entire proceedings were taken in shorthand form by Ms. Regina Defanti, CSR., and Ms. Mary Ann Zimmerer, CSR.)

October 10, 1996

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Marc Andaya, Headquarters, was called at 2:05, it having been continued from the meeting of October 8, 1996.

Ms. Diane Chin, Mr. Mark Jansen and Ms. Jean Field, Attorneys at Law, appeared on behalf of the San Francisco Police Department and the Office of Citizen Complaints.

Officer Marc Andaya appeared in person and was represented by Mr. Jim Collins and Ms. Kathy Mahoney, Attorneys at Law.

The following witness was called by the Department, was sworn and testified:

Dr. Boyd Stephens

The Department rests.

The following witnesses were called by the Defense, were sworn and testified:

Lieutenant Kitt Crenshaw
Officer Gregory Neal
Lieutenant George Stasko
Officer Dermot Downes

The following exhibits were entered for identification by the Department:

Exhibit No. 11	Copy - Medical Examiner's Report
Exhibit No. 12	Photograph - Aaron Williams' Head (Left Side)
Exhibit No. 13	Photograph - Aaron Williams' Head (Left Eye Area)
Exhibit No. 14	Photograph - Aaron Williams' Head (Right Side)
Exhibit No. 15	Drawing
Exhibit No. 17	Statement of Officer Downes

The following exhibit was identified and entered into evidence by the Department:

Exhibit No. 16 Letter to Inspector Cammilleri from Stephens

The meeting was then adjourned at 7:46 p.m., to be continued on October 11, 1996.

Recesses taken during the hearing of Officer Marc Andaya:

3:40 p.m. - 3:55 p.m.

4:50 p.m. - 5:00 p.m.

5:45 p.m. - 6:00 p.m.

PRESENT: Commissioners Medina, Wong

(The entire proceedings were taken in shorthand form by Ms. Regina Defanti, CSR., and Ms. Mary Ann Zimmerer, CSR.)

October 11, 1997

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Marc Andaya, Headquarters, was called at 2:10 p.m., it having been continued from the meeting of October 10, 1996.

Ms. Diane Chin, Mr. Mark Jansen and Ms. Jean Field, Attorneys at Law, appeared on behalf of the San Francisco Police Department and the Office of Citizen Complaints.

Officer Marc Andaya appeared in person and was represented by Mr. Jim Collins and Ms. Kathy Mahoney, Attorneys at Law.

The following witnesses were called by the Defense, were sworn and testified:

Dermot Downes
Inspector James Bergstrom
Agent Peter Leu

The following exhibits were entered for identification by the Defense:

Exhibit L	Photo Board - 2701 Lyons Street (Five photos)
Exhibit M	Copy - Latent Fingerprint Request/Report

The hearing was then adjourned at 2:50 p.m.

PRESENT: Commissioner Kekker

(The entire proceedings were taken in shorthand form by Ms. Regina Defanti, CSR., and Ms. Mary Ann Zimmerer, CSR.)

A handwritten signature in dark ink, appearing to read "M. Barretta", is written over a horizontal line.

Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

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P. 001



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, OCTOBER 9, 1996**

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

850 Bryant St

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

*** SPECIAL MEETING**

**ROOM 551
5:30 P.M.**

Hearing and Decision on Charges Filed Against:

Sergeant John Haggett
Sergeant Stephen Bosshard
Sergeant Ed Santos
Officer Hoyt Wong

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There will be no Police Commission Regular Meeting on Wednesday, October 9, 1996. The next Police Commission Meeting will be on Wednesday, October 16, 1996, in the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, at 5:30 p.m.

THE POLICE COMMISSION



THE POLICE COMMISSION
OF THE CITY OF NEW YORK

REPORT
ON THE
ADMINISTRATION OF THE
POLICE DEPARTMENT

FOR THE YEAR
1900

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THE POLICE COMMISSION
OF THE CITY OF NEW YORK
REPORT
ON THE
ADMINISTRATION OF THE
POLICE DEPARTMENT
FOR THE YEAR
1900

OCTOBER 9, 1996**SPECIAL MEETING**

At the meeting of the Police Commission on Wednesday, October 9, 1996, the following proceedings were held:

HEARING OF SERGEANT EDWARD SANTOS, SOUTHERN STATION
(FILE NO. C56-059 BSK)

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The hearing of Sergeant Edward Santos, Southern Station, was called it having been set for this date. Sergeant Edward Santos was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Unwarranted Action (violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Unnecessary Force (a violation of Rule I and Rule M of General Order 5.01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Neglect of Duty (a violation of Rule 21 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 4

Unwarranted Action (a violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 5

Neglect of Duty (a violation of General Order 5.06 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, former Chief of Police of the San Francisco Police Department.

Sergeant Edward Santos appeared in person and was represented by Mr. James P. Collins, Attorney at Law.

Ms. Diane Chin, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Closing statements were made by Ms. Diane Chin, Mr. Andrew Monach and Ms. Annette Carnegie, Attorneys at Law, for the Prosecution.

Closing statements were made by Mr. Robert Moore, Mr. James Collins, Mr. James Lassart, and Ms. Kathy Mahoney, Attorneys at Law, for the Defense.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 173-96

WHEREAS, on November 20, 1995, Anthony D. Ribera, former Chief of Police, made and served charges against Sergeant Edward Santos, as follows:

SPECIFICATION NO. 1

- (1) At all times herein mentions, Edward Santos, Star Number 2 (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department and assigned to Southern Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about January 1, 1995, the accused participated in a police raid of an illegal party at 938 Harrison Street;
- (4) During that raid, many individuals were arrested, force was used, and property was confiscated;
- (5) The accused was involved in numerous aspects of this raid, and with regards to this complaint, the accused was involved in placing Larry Ackerman, a citizen of the city and county of San Francisco, under arrest;
- (6) The accused arrested Mr. Ackerman for allegedly violating 148(a) of the Penal Code despite the accused's statements that Mr. Ackerman did not obstruct any police officer in the discharge of their duty;

SPECIFICATION NO. 2

- (7) The accused, did participate in a physical takedown of Mr. Ackerman during the arrest; this use of force to accomplish an unwarranted action was a violation of General Order 5.01, Rule M, which states:

"Unnecessary force occurs when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."

These actions also constitute a violation of Rule 9 of General Order 2.01, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 3

- (8) The accused was interviewed by the Office of Citizen Complaints and the Management Control Division of the Police Department;
- (9) During these interviews, the accused gave conflicting accounts of his actions relating to Mr. Ackerman, denied involvement in Mr. Ackerman's arrest and was inconsistent and/or evasive in his recounting of the entry into Mr. Allan's residence;

- (10) These inconsistencies or evasions constitute a violation of Rule 21 of General Order 2.01, which states:

“Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion.”

SPECIFICATION NO. 4

- (11) The accused did break into and search the private residence section of the building without a warrant;
- (12) In so conducting a warrantless search, the accused did violate Rule 9 of General Order 2.01, which states:

“Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.”

SPECIFICATION NO. 5

- (13) The accused, along with other officers, did arrest individuals charged with infractions and misdemeanors in a custodial fashion rather than issuing citations;
- (14) By failing to cite and release individuals, the accused did violate Rule A of General Order 5.06, which states:

“It is the policy of the San Francisco Police Department, in accordance with state law, that officers cite and release all persons arrested for misdemeanor and infraction offenses.”

and

WHEREAS, hearings on said charges were held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on the weeks of September 9, 1996 and September 16, 1996 and on Wednesday October 9, 1996, the matter was submitted to the Police Commission for decision; and

WHEREAS, Specifications No. 4 and 5 were withdrawn by the Office of Citizen Complaints; and

WHEREAS, the Police Commission finds that Specifications No. 1, 2 and 3, are not sustained by the evidence presented at the hearings; therefore be it

RESOLVED, that it is the order of the Police Commission that Sergeant Edward Santos has not violated Specifications No. 1, 2 and 3; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Specifications No. 1, 2 and 3, be, and the same are hereby dismissed.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

**HEARING OF OFFICER HOYT WONG, PLANNING DIVISION
(FILE NO. C56-060 BSK)**

The hearing of Officer Hoyt Wong, Planning Division, was called it having been set for this date. Officer Hoyt Wong was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Unnecessary use of force (a violation of Rule I and Rule M of General Order 5.01);

SPECIFICATION NO. 2

Neglect of Duty (a violation of Rule 21 of General Order 2.01);

in a properly verified complaint by Anthony D. Ribera, former Chief of Police of the San Francisco Police Department.

Officer Hoyt Wong appeared in person and was represented by Ms. Kathy Mahoney, Attorney at Law.

Ms. Diane Chin, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Closing statements were made by Ms. Diane Chin, Mr. Andrew Monach and Ms. Annette Carnegie, Attorneys at Law, for the Prosecution.

Closing statements were made by Mr. Robert Moore, Mr. James Collins, Mr. James Lassart, and Ms. Kathy Mahoney, Attorneys at Law, for the Defense.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 174-96

WHEREAS, on November 8, 1995, Anthony D. Ribera, former Chief of Police, made and served charges against Officer Hoyt Wong, as follows:

SPECIFICATION NO. 1

- (1) At all times herein mentioned, Hoyt Wong, Star Number 111, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department and assigned to Southern Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On January 1, 1995, the accused participated in a police raid of an illegal party at 938 Harrison Street;
- (4) During that raid, many individuals were arrested, force was used, and property was confiscated;

- (5) The accused was involved in aspects of this raid, and with regards to this complaint, the accused was involved in placing Joseph Cain, a citizen of the City and County of San Francisco, into a police van after Mr. Cain had been arrested by other agents;
- (6) The accused, along with other officers, did throw Mr. Cain into a police van, causing injury to Mr. Cain;
- (7) The accused, by throwing Joseph Cain into a police van head first violated department procedures as set forth in General Order 5.01 of the San Francisco Police Department, particularly Rule I, which states:

“It is the policy of the San Francisco Police Department to accomplish the police mission as effectively as possible with the highest regard for the dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.”

- (8) The accused did use this force in violation of Rule M of General Order 5.01, which states:

“Unnecessary force occurs when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful.”

SPECIFICATION NO. 2

- (9) The accused was interviewed by both Management Control Division and the Office of Citizen Complaints;
- (10) During his interview with the Office of Citizen Complaints, the accused stated he was the only officer involved in placing Mr. Cain in the van, that Mr. Cain walked in the van himself, and that Mr. Cain was not resistive;
- (11) The evidence, including testimony of other officers, indicate these statements were not true, and as such, constitute a violation of Rule 21, of General Order 2.01, which states:

“Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion.”

and

WHEREAS, hearings on said charges were held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on the weeks of September 9, 1996 and September 16, 1996 and on Wednesday October 9, 1996, the matter was submitted to the Police Commission for decision; and

WHEREAS, Specification No. 2 was withdrawn by the Office of Citizen Complaints; and

WHEREAS, the Police Commission finds that Specification No. 1 is not sustained by the evidence presented at the hearings; therefore be it

RESOLVED, that it is the order of the Police Commission that Officer Hoyt Wong has not violated Specification No. 1; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1, be, and the same are hereby dismissed.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Kcker, Norman, Hewlett, Medina, Wong

**HEARING OF SERGEANT STEPHEN BOSSHARD, FIELD
OPERATIONS (FILE NO. C56-058 BSK)**

The hearing of Sergeant Stephen Bosshard, Field Operations Bureau, was called it having been set for this date. Sergeant Bosshard was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Unnecessary force (a violation of Rule I and Rule M of General Order 5.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Unwarranted action (a violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Use of a sexual slur (violation of Rules 9 and 14 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 4

Unwarranted action (a violation of Rule E of General Order 5.03 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, former Chief of Police of the San Francisco Police Department.

Sergeant Stephen Bosshard appeared in person and was represented by Mr. Robert Moore, Attorney at Law.

Ms. Diane Chin, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Closing statements were made by Ms. Diane Chin, Mr. Andrew Monach and Ms. Annette Carnegie, Attorneys at Law, for the Prosecution.

Closing statements were made by Mr. Robert Moore, Mr. James Collins, Mr. James Lassart, and Ms. Kathy Mahoney, Attorneys at Law, for the Defense.

The Commission took the matter under submission and found the allegations contained in Specifications No. 1 and 2 not sustain and Specification No. 3 are true and sustained the charges.

Based on these findings, the Commission requested a recommendation from Chief of Police Fred H. Lau. It was the recommendation of the Chief of Police that Sergeant Stephen Bosshard be suspended for five (5) days.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 175-96

DECISION - HEARING OF SERGEANT STEPHEN BOSSHARD, FIELD OPERATIONS BUREAU

WHEREAS, on November 20, 1995, Anthony D. Ribera, former Chief of Police, made and served charges against Sergeant Stephen Bosshard, as follows:

SPECIFICATION NO. 1

- (1) At all times herein mentioned, Stephen Bosshard, Star Number 1334 (hereinafter referred to as "the accused") was a police sergeant employed by the San Francisco Police Department and assigned to Southern Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On January 1, 1995, the accused participated in a police raid of an illegal party at 938 Harrison Street;
- (4) During that raid, many individuals were arrested, force was used, and property was confiscated;
- (5) The accused was involved in numerous aspects of this raid, and with regards to this complaint, the accused was involved in placing Joseph Cain, a citizen of the City and County of San Francisco, into a police van after Mr. Cain had been arrested by other agents;
- (6) The accused, along with other officers, did throw Mr. Cain into a police van, causing injury to Mr. Cain;
- (7) The accused, by throwing Joseph Cain into a police van head first violated department procedures as set forth in General Order 5.01 of the San Francisco Police Department, particularly Rule I, which states:

"It is the policy of the San Francisco Police Department to accomplish the police mission as effectively as possible with the highest regard for the dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task."

- (8) The accused did use this force in violation of Rule M of General Order 5.01, which states:

"Unnecessary force occurs when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."

These actions also constitute a violation of Rule 9 of General Order 2.01, which states:

Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends subvert the good order, efficiency or discipline of

the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.”

SPECIFICATION NO. 2

- (9) The accused did order fellow officers to “get” Eric Shannonhouse and cause him to be charged with violating 647(f) of the Penal Code;
- (10) The accused did not have probable cause to believe Mr. Shannonhouse had violated the Penal Code in that the accused could not articulate facts which constituted probable cause to order the arrest, a violation of General Order 2.01, Rule 9, which states:

“Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.”

SPECIFICATION NO. 3

- (11) During the arrest of Eric Shannonhouse, the accused did lift Mr. Shannonhouse’s skirt and make an inappropriate sexual remark, a violation of Rule 9 as written above and Rule 14 of General Order 2.01, which states:

“While acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.”

SPECIFICATION NO. 4

- (12) The accused did order people who had been expelled from the party to leave the public area of Harrison Street in violation of Rule E of General Order 5.03, which states:

“Officers do not have the authority to order persons to “move on” absent probable cause to believe an offense has occurred, or absent articulable facts requiring movement for public safety.”

and

WHEREAS, hearings on said charges were held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on the weeks of September 9, 1996 and September 16, 1996 and on Wednesday October 9, 1996, the matter was submitted to the Police Commission for decision; and

WHEREAS, Specification No. 4 was withdrawn by the Office of Citizen Complaints; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1 and 2, as preferred by former Chief of Police Anthony D. Ribera against Sergeant Stephen Bosshard are not sustained and the allegations contained in Specification No. 3 are true and sustained by the evidence presented

at the hearings; therefore be it

RESOLVED, that based on the evidence presented at the hearings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATIONS NO. 1 AND 2

Not Sustain

SPECIFICATION NO. 3

Sustain - Five (5) day suspension

RESOLVED, that said five (5) day suspension shall commence on Saturday, October 19, 1996 at 0001 hours and terminate on Wednesday, October 23, 1996, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure Section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Keker, Norman, Medina, Wong
NAY: Commissioner Hewlett

**HEARING OF SERGEANT JOHN HAGGETT, VICE CRIMES
(FILE NO. C56-057 BSK)**

The hearing of Sergeant John Haggett, Vice Crimes Unit, was called it having been set for this date. Sergeant Haggett was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1-5

Unwarranted action (a violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 6

Neglect of duty (a violation of General Order 6.15 of the San Francisco Police Department);

SPECIFICATION NO. 7

Neglect of Duty (a violation of General Order 6.15 of the San Francisco Police Department);

SPECIFICATION NO. 8-10

Unnecessary force (a violation of Rule I and Rule M of General Order 5.01 of the San Francisco Police Department);

SPECIFICATION NO. 11

Neglect of Duty (a violation of General Order 5.06 of the San Francisco Police Department);

SPECIFICATION NO. 12

Neglect of duty (a violation of Rule 21 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 13

Neglect of duty (a violation of Rule 25 of General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, former Chief of Police of the San Francisco Police Department.

Sergeant John Haggett appeared in person and was represented by Mr. James Lassart, Attorney at Law.

Ms. Diane Chin, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Closing statements were made by Ms. Diane Chin, Mr. Andrew Monach and Ms. Annette Carnegie, Attorneys at Law, for the Prosecution.

Closing statements were made by Mr. Robert Moore, Mr. James Collins, Mr. James Lassart, and Ms. Kathy Mahoney, Attorneys at Law, for the Defense.

The Commission took the matter under submission and found the allegations contained in Specifications No. 2, 3, 8, 9, and 11 are not sustained and the allegations contained in Specifications No. 1, 4, 5, 10 and 13 are true and sustained the charges.

Based on these findings, the Commission requested a recommendation from Chief of Police Fred H. Lau. It was the recommendation of the Chief of Police that Sergeant John Haggett be terminated; said termination to be held in abeyance for three (3) years. The Chief also recommended that Sergeant Haggett be suspended for 180 days and that Sergeant Haggett receive behavioral counseling, for three years, after his suspension is served.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 176-96DECISION - HEARING OF SERGEANT JOHN HAGGETT, VICE CRIMES UNIT

WHEREAS, on November 8, 1995, Anthony D. Ribera, former Chief of Police, made and served charges against Sergeant John Haggett, as follows:

SPECIFICATION NO. 1-5

- (1) At all times herein mentioned, John Haggett, Star Number 16 (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department and assigned to Southern Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

- (3) The accused was present and ordered, participated or observed as the senior officer the arrests of: Donald Branchflower (Specification No. 1); David Bowman (No. 2); Eden Somberg (No. 3); Graham Cruickshank (No. 4); Victor Jigalin (No. 5);

- (4) These arrests were not based on probable cause in violation of state law and constitute a violation of Rule 9 of General Order 2.01, which states:

“Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

SPECIFICATION NO. 6

- (5) The accused received \$46.00 in a property envelope on about January 1, 1995 which had been marked by ABC investigators as being recovered from Joseph Cain;
- (6) The accused did not process, book or safekeep this money in violation of General Order 6.15, which states:

“The member who first receives or takes property is responsible for it until the item is processed as property for identification and is received at the district station or at the Property Control Section.”

SPECIFICATION NO. 7

- (7) The accused was involved in the safekeeping of a radio headset confiscated from the incident but did not enter the item in any property log or other document as required by General Order 6.15, which states:

“The member who first receives or takes property is responsible for it until the item is processed as property for identification and is received at the district station or at the Property Control Section.”

SPECIFICATION NO. 8-10

- (8) The accused, did participate in physical takedowns of Mr. Bowman, Ms. Somberg and Mr. Cruickshank, during the unwarranted arrests, this use of force to accomplish an unwarranted action was a violation of General Order 5.01, Rule M, which states:

“Unnecessary force occurs when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful.”

SPECIFICATION NO. 11

- (9) The accused, along with other officers, did arrest individuals charged with infractions and misdemeanors in a custodial fashion rather than issuing citations;

- (10) By failing to cite and release individuals, the accused did violate Rule A of General order 5.05, which states:

“It is the policy of the San Francisco Police Department, in accordance with state law, that officers cite and release all persons arrested for misdemeanor and infraction offenses.”

SPECIFICATION NO. 12

- (11) The accused was interviewed by both Management Control Division and the Office of Citizen Complaints wherein he gave statements regarding his actions on the night in question;
- (12) The evidence, including testimony of other officers, indicate these statements were not true, and as such constitute a violation of Rule 21 of General Order 2.01, which states:

“Members shall, when questioned on matters relating to their employment with the department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion.”

SPECIFICATION NO. 13

- (13) The accused did write a report of the incident pursuant to the General Orders;
- (14) Contained in the report are numerous inconsistencies, omissions and false representations all in violation of Rule 25 of General Order 2.01, which states:

“While on duty, members shall make all required written reports of crimes or incidents requiring police attention.”

- (15) Various bulletins in force and effect at the time of this event require written report include the names of all the officers (88-10) and the elements of every crime charges (88-17), this was not done;

and

WHEREAS, hearings on said charges were held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on the weeks of September 9, 1996 and September 16, 1996 and on Wednesday October 9, 1996, the matter was submitted to the Police Commission for decision; and

WHEREAS, Specifications No. 6, 7, and 12 were withdrawn by the Office of Citizen Complaints; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 2, 3, 8, 9, and 11, as preferred by former Chief of Police Anthony D. Ribera against Sergeant John Haggett are not sustained and the allegations contained in Specifications 1, 4, 5, 10 and 13 are true and sustained by the evidence presented at the hearings; therefore be it

RESOLVED, that based on the evidence presented at the hearings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 (5 - 0)

Sustain

SPECIFICATION NO. 2 (5 - 0)

Not sustain

SPECIFICATION NO. 3 (5 - 0)

Not sustain

SPECIFICATION NO. 4 (5 - 0)

Sustain

SPECIFICATION NO. 5 (5 - 0)

Sustain

SPECIFICATION NO. 6

Withdrawn

SPECIFICATION NO. 7

Withdrawn

SPECIFICATION NO. 8 (5 - 0)

Not sustain

SPECIFICATION NO. 9 (5 - 0)

Not sustain

SPECIFICATION NO. 10 (5 - 0)

Sustain

SPECIFICATION NO. 11

Not sustain

SPECIFICATION NO. 12 (5 - 0)

Withdrawn

SPECIFICATION NO. 13

Sustain

Termination; said termination held in abeyance for three (3) years; 180 days suspension and counseling after serving suspension.

RESOLVED, that said 180 days suspension shall commence on Saturday, October 19, 1996 at 0001 hours and terminate on Friday, April 18, 1997, at 2400 hours.

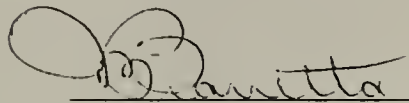
FURTHER RESOLVED, that Sergeant Haggett, upon his return to duty, enter a program on Behavioral Counseling, for three years, as devised by the Department's Behavioral Science Unit.

If this decision is subject to review under Code of Civil Procedure Section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Keker, Norman, Hewlett, Medina, Wong

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter the hearing was adjourned.

A handwritten signature in dark ink, appearing to read "Manuel Barretta", is written over a horizontal line.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 16, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

SPECIAL MEETING

CLOSED SESSION

Room 505-2
5:15 p.m.

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1. Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigations:

- a. Detlef Haliewicz v. CCSF, Superior Court No. 970-986
- b. State Farm Insurance Co. (Rick Knight) v. CCSF, Unlitigated Claim No. 95-04198
- c. Raly Hernandez, et al v. CCSF, Municipal Court No. 119-035

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

RESOLVED, that said 180 days suspension shall commence on Saturday, October 19, 1996 at 0001 hours and terminate on Friday, April 18, 1997, at 2400 hours.

FURTHER RESOLVED, that Sergeant Haggett, upon his return to duty, enter a program on Behavioral Counseling, for three years, as devised by the Department's Behavioral Science Unit.

If this decision is subject to review under Code of Civil Procedure Section 1094.5, then the time within which judicial review must be sought is governed by



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 16, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

Room 551
5:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Minutes of Meeting of July 24, 1996
5. Approval of Consent Calendar
6. Police Commission Report
7. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges filed against Officer Donald R. Calkin, Crime Scenes (File No. C96-158(311)JWA)
8. Assignment of Commissioner and Setting of Date for Taking of Evidence on Additional Charges filed against Officer David Rios, Support Services (File No. C96-168(321)JWA)
9. Chief's Report to the Police Commission
10. OCC Director's Report to the Police Commission
11. Presentation of OCC Statistical Reports for July and August, 1996
12. Discussion and Action re: Proposed Resolution Supporting the Naming of the New Police Lab, at 606 Hunters Point, as The Shoji Horikoshi Crime Lab

RESOLVED, that said 180 days suspension shall commence on Saturday, October 19, 1996 at 0001 hours and terminate on Friday, April 18, 1997, at 2400 hours.

FURTHER RESOLVED, that Sergeant Haggett, upon his return to duty, enter a program on Behavioral Counseling, for three years, as devised by the Department's Behavioral Science Unit.

If this decision is subject to review under Code of Civil Procedure Section 1094.5, then the time within which judicial review must be sought is governed by



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 16, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

13. Request of the Chief of Police for Approval to Retroactively Apply for, Accept, and Expend Funds from the Bureau of Justice Assistance, U.S. Department of Justice, to Implement the Program to Enhance the Police Communications System
14. Request of the Chief of Police for Approval to Apply for, Accept and Expend Funds from the Office of Community Oriented Policing Services, U.S. Department of Justice, to Implement the Mobil Assistance Patrol Program
15. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Detlef Haliewicz v. CCSF, Superior Court No. 970-986
 - b. State Farm Insurance Co. (Rick Knight) v. CCSF, Unlitigated Claim No. 95-04198
 - c. Raly Hernandez, et al v. CCSF, Municipal Court No. 119-035

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

OCTOBER 16, 1996REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Wong

ABSENT: Commissioner Hewlett, Medina

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

Commissioner Keker stated that the Commission did not meet in Executive Session.

APPROVAL OF MINUTES OF MEETING OF JULY 24, 1996

Approval of minutes of meeting of July 24, 1996, the Commissioners having received, approved and returned copies of same.

Motion by Commissioner Wong, second by Commission Norman.

Approved 3-0.

APPROVAL OF CONSENT CALENDAR

Item a is put over.

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RESOLUTION NO. 177-96STATE FARM INSURANCE CO. (RICK KNIGHT) v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "State Farm Insurance Co. (Rick Knight) v. CCSF" in Unlitigated Claim No. 95-04198 for damages sustained, be, and the same is hereby approved.

Date of Incident: May 6, 1996

AYES: Commissioners Keker, Norman, Wong

ABSENT: Commissioners Hewlett, Medina

RESOLUTION NO. 178-96RALY HERNANDEZ, et al v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Raly Hernandez, Ederlinda Hernandez, Christina Ruanto v. CCSF" in San Francisco Municipal Court No. 119035 for damages sustained, be, and the same is hereby approved.

Date of Incident: October 18, 1994

AYES: Commissioners Keker, Norman, Wong

ABSENT: Commissioners Hewlett, Medina

POLICE COMMISSION REPORT

None.

RESOLUTION NO. 179-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR
TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER
DONALD R. CALKIN, CRIME SCENES INVESTIGATION
(FILE NO. C96-158(311)JWA)

104

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Donald R. Calkin, Crime Scenes, was called it having been set for this date; and

WHEREAS, Commissioner Jose Medina is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Calkin; therefore be it

RESOLVED, that Commissioner Medina is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Donald R. Calkin and is to be set at a later date.

AYES: Commissioners Keker, Norman, Wong
ABSENT: Commissioner Hewlett, Medina

RESOLUTION NO. 180-96

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR
TAKING OF EVIDENCE ON ADDITIONAL CHARGES FILED
AGAINST OFFICER DAVID RIOS, SUPPORT SERVICES
(FILE NO. C96-168(321) JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer David Rios, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Rios; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer David Rios and is to be set at a later date.

AYES: Commissioners Keker, Norman, Wong
ABSENT: Commissioner Hewlett, Medina

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau stated that the Board of Supervisors had approved the MOU between the City and the Department and stated that he will be appointing 15 new sergeants on November 4th at the Academy.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap made statistical presentation on item number 11 and stated that training for new investigators is ongoing. She also distributed a questionnaire regarding statistical report to the Commission and to be back in October. She also presented statistics and reports and future statistics and revision of reports.

**DISCUSSION AND ACTION RE: PROPOSED RESOLUTION
SUPPORTING THE NAMING OF THE NEW POLICE LAB, AT 606
HUNTERS POINT, AS THE SHOJI HORIKOSHI CRIME LAB**

Chief Lau made presentation regarding naming of the new crime lab "The Shoji Horikoshi Crime Lab". Motion by Commissioner Norman, second by Commissioner Wong. Approved 3-0.

RESOLUTION NO. 181-96

**PROPOSED RESOLUTION SUPPORTING THE NAMING OF THE NEW
POLICE LAB, AT 606 HUNTERS POINT, AS THE SHOJI HORIKOSHI**

CRIME LAB

WHEREAS, the San Francisco Police Department has allocated its resources in constructing a new facility for the San Francisco Police Crime Lab at 606 Hunters Point; and

WHEREAS, Shoji Horikoshi served as Fingerprint Technician, Criminalist and Criminologist of the San Francisco Police Crime Laboratory from 1957 to 1995, the longest tenure of a Criminologist in the history of the Department; and

WHEREAS, as head of the San Francisco Police Crime Laboratory and Chief Criminalist, Shoji has presided over countless high profile and significant investigations and trials; and

WHEREAS, his service to the citizens of San Francisco has spanned nearly forty years; and

WHEREAS, the new San Francisco Police Crime Lab needs a renewal of spirit, of purpose, and a rededication of values and principles essential to the administration of justice; and

WHEREAS, Shoji Horikoshi embodies this spirit, these values and principles; and

WHEREAS, Chief of Police Fred H. Lau strongly supports naming the new Police Crime Lab "Shoji Horikoshi Crime Lab;" now therefore be it

RESOLVED, that the Police Commission supports naming the new Police Crime lab facility at 606 Hunters Point "Shoji Horikoshi Crime Lab" and request that the Mayor urge the Board of Supervisors to adopt a resolution effect the name change.

AYES: Commissioners Keker, Norman, Wong
ABSENT: Commissioners Hewlett, Medina

REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE TO IMPLEMENT THE PROGRAM TO ENHANCE THE POLICE COMMUNICATIONS SYSTEM

Sergeant John Bisordi, Grant Unit, made presentation. Motion by Commissioner Keker, second by Commissioner Wong. Approved 3-0.

RESOLUTION NO. 182-96

AUTHORIZING THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE TO IMPLEMENT THE PROGRAM TO ENHANCE THE POLICE COMMUNICATIONS SYSTEM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to retroactively apply for, accept and expend funds from the Bureau of Justice Assistance, U.S. Department of Justice to implement the program to enhance the Police Communications System.

AYES: Commissioners Keker, Norman, Wong
ABSENT: Commissioners Hewlett, Medina

**REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND
EXPEND FUNDS FROM THE OFFICE OF COMMUNITY ORIENTED
POLICING SERVICES, U.S. DEPARTMENT OF JUSTICE, TO
IMPLEMENT THE MOBIL ASSISTANCE PATROL PROGRAM**

Sergeant John Bisordi made presentation.

RESOLUTION NO. 183-96

**AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR, ACCEPT
AND EXPEND FUNDS FROM THE OFFICE OF COMMUNITY
ORIENTED POLICING SERVICES, U.S. DEPARTMENT OF JUSTICE,
TO IMPLEMENT THE MOBIL ASSISTANCE PATROL PROGRAM**

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the Office of Community Oriented Policing Services, U.S. Department of Justice, to implement the Mobil Assistance Patrol Program.

AYES: Commissioners Keker, Hewlett, Medina
ABSENT: Commissioners Norman, Wong

PUBLIC COMMENTS

None.

Thereafter, the meeting was adjourned at 6:00 p.m.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

1137/rc



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 23, 1996**

PARK DISTRICT
Park Branch Library - Meeting Room
1833 Page Street
San Francisco, CA

SPECIAL MEETING

Closed Session

5:45 p.m.

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OCT 21 1996

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JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

L.T. MANUEL BARRETTA
Secretary

Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigations:

- a. Detlef Haliewicz v. CCSF, Superior Court No. 970-986
- b. Aetna Casualty & Surety Co. V. CCSF, Unlitigated Claim #95-03620

**REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND
EXPEND FUNDS FROM THE OFFICE OF COMMUNITY ORIENTED
POLICING SERVICES, U.S. DEPARTMENT OF JUSTICE, TO
IMPLEMENT THE MOBIL ASSISTANCE PATROL PROGRAM**

Sergeant John Bisordi made presentation.

RESOLUTION NO. 183-96

**AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR, ACCEPT
AND EXPEND FUNDS FROM THE OFFICE OF COMMUNITY**



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 23, 1996

PARK DISTRICT
Park Branch Library - Meeting Room
1833 Page Street
San Francisco, CA

6:00 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

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OCT 21 1996

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1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Consent Calendar
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges filed against Officer E. R. Balinton, Narcotics Division
(File No. C96-178(330) JWA)
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Appeal of Chief's Suspension of Sergeant Frederick R. Schiff, Mission Station
(File No. D56-223 RLC)
7. Police Commission Report
 - a. Motion of Calendaring of New Items
8. Chief's Report to the Police Commission
9. OCC Director's Report to the Police Commission
10. Captain James Long, Commanding Officer Park Station, to Address the Commission on Police Activities in the Park District
11. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

**REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND
EXPEND FUNDS FROM THE OFFICE OF COMMUNITY ORIENTED
POLICING SERVICES, U.S. DEPARTMENT OF JUSTICE, TO
IMPLEMENT THE MOBIL ASSISTANCE PATROL PROGRAM**

Sergeant John Bisordi made presentation.

RESOLUTION NO. 183-96

**AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR, ACCEPT
AND EXPEND FUNDS FROM THE OFFICE OF COMMUNITY**



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 23, 1996**

CONSENT CALENDAR

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Recommendation of the City Attorney for Settlement of the following claim:
 - a. Detlef Haliewicz v. CCSF, Superior Court No. 970-986
 - b. Aetna Casualty & Surety Co. V. CCSF, Unlitigated Claim #95-03620
2. Request of the Chief of Police to Accept Donations totaling \$1,412.50, from Edgehill Mountain Residents, for use of the Taraval Station
3. Request of the Chief of Police for Approval of Taxicab Owner Permit for Mr. David Katz

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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**REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND
EXPEND FUNDS FROM THE OFFICE OF COMMUNITY ORIENTED
POLICING SERVICES, U.S. DEPARTMENT OF JUSTICE, TO
IMPLEMENT THE MOBIL ASSISTANCE PATROL PROGRAM**

Sergeant John Bisordi made presentation.

RESOLUTION NO. 183-96

**AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR, ACCEPT
AND EXPEND FUNDS FROM THE OFFICE OF COMMUNITY**

REMINDER NOTICE--

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OCT 21 1996

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**PARK DISTRICT ANNUAL POLICE
COMMISSION MEETING**

3/96 Wednesday, October 23, 1996

6:00 P.M.

At the Park Branch Library - Meeting Room

1833 Page Street

Captain James Long, Commanding Officer of Park Station, will address the police commission regarding the status of the district.

Meet the Police Commission, Chief of Police Fred Lau and his staff. The public will be able to address them regarding their concerns.

The building is ADA approved. Refreshments will be served.

OCTOBER 23, 1996**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Park District, Park Branch Library Meeting Room, 1833 Page Street, San Francisco, at 6:05 p.m., in a Regular Meeting.

Commissioner Keker welcomed audience and described duties and responsibilities of the Commission. He introduced the Command Staff and Mary Dunlap, OCC Director.

PRESENT: Commissioners Keker, Norman, Hewlett, Medina

ABSENT: Commissioner Wong

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

- a. Detlef Haliewicz v. CCSF, Superior Court No. 970-986
- b. Aetna Casualty & Surety Co. v. CCSF, Unlitigated Claim #95-03620

Taken off calendar. Put over for November 6th.

APPROVAL OF CONSENT CALENDAR**RESOLUTION NO. 186-96****APPROVAL TO ACCEPT DONATIONS TOTALING \$1,412.50, FROM EDGEHILL MOUNTAIN RESIDENTS, FOR USE OF THE TARAVAL STATION**

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donations totaling \$1,412.50, from the Edgehill Mountain residents, for use of the Taraval Station.

AYES: Commissioners Keker, Norman, Hewlett, Medina
ABSENT: Commissioner Wong

RESOLUTION NO.187-96**APPROVAL OF TAXICAB OWNER'S PERMIT FOR MR. DAVID KATZ**

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that the above named individual, based on his application and the San Francisco Permit Bureau certifications, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to David Katz.

AYES: Commissioners Keker, Norman, Hewlett, Medina,
ABSENT: Commissioner Wong

RESOLUTION 184-96**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER E. R. BALINTON, NARCOTICS DIVISION(FILE NO. C96-178[330] JWA)**

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WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer E. R. Balinton, Narcotic Division, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Balinton; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer E.R. Balinton and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina

ABSENT: Commissioner Wong

RESOLUTION 185-96

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON APPEAL OF CHIEF'S SUSPENSION OF SERGEANT FREDERICK R. SCHIFF, MISSION STATION (FILE NO. D56-223 RLC)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the Appeal of Chief's Suspension of Sergeant Frederick R. Schiff, Mission Station, was called it having been set for this date; and

WHEREAS, Commissioner Douglas Wong is hereby assigned to conduct taking of evidence in the Appeal of Chief's Suspension of Sergeant Schiff; therefore be it

RESOLVED, that Commissioner Wong is hereby assigned to conduct taking of evidence in the Appeal of Chief's Suspension of Sergeant Frederick R. Schiff and is to be set at a later date.

AYES: Commissioners Keker, Norman, Hewlett, Medina

ABSENT: Commissioner Wong

POLICE COMMISSION REPORT

Commissioner Keker announced that the Andaya matter will be put over to November 20th from October 30th. There will be no regular meeting on the 30th.

CHIEF'S REPORT TO THE POLICE COMMISSION

None

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, OCC Director, described the duties and responsibilities of the OCC.

CAPTAIN JAMES LONG, COMMANDING OFFICER PARK STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE PARK DISTRICT

Captain Long described the district; crime areas and policing programs; burglary arrests, robbery arrest. He stated that narcotic sales at Buena Vista Park is down. He stated that crime is down in the district.

Commissioner Norman inquired about the homeless.

PUBLIC COMMENTS

Diane Keller, resident, stated she was pleased with the police.

Frank, Liquor Store owner in the Haight, thanked the police and discussed concerns with homeless.

Athur Evens, resident, commended Captain Long and officer at Park Station for their efforts

David Heller discussed concerns with officers and directives to deal with street people.

Alice Battaglia, resident 408 Clayton, discussed homeless campers.

Rick Thelber, resident, discussed concerns.

Michael Nicoli commended Captain Long and the officers. Discussed concerns with loitering.

Jeff Hamilton, resident, thanked the police and discussed Haggett matter. Stated that he should be fired.

Commissioner Norman responded.

Rick, merchant, discussed concerns.

Laurie Puente, resident, discussed homeless problem and that Park Station is understaffed.

Ted Lowenberg, resident Waller Street, commended Captain Long and discussed concerns regarding staffing.

Lawrence Smith, resident Cole Street, discussed concerns regarding homeless and stated more officers are needed.

Rachel Ellis, resident, commended Captain Long and discussed concerns regarding juvenile crimes.

Frederica Fleming, resident, discussed concerns.

Unidentified, resident, stated more police is needed and discussed concerns with bikers and motorcyclists.

Mary, resident Waller, discussed homeless and drinking in the area.

Pat commended Captain Long.

Meeting was then adjourned at 8:15 p.m.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

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TEL: 415 553 1669

P. 003



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS P. WONG
Commissioner

L.T. MANUEL BARRETTA
Secretary

**CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING**

There will be no Police Commission Regular Meeting on Wednesday, October 30, 1996. The next Police Commission Meeting will be on Wednesday, November 6, 1996, in the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, at 5:30 p.m.

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NOVEMBER 5 & 6, 1996

SPECIAL MEETING

Procedural Hearings for the taking of evidence were conducted by Commissioner Douglas Wong on Tuesday, November 5, 1996 and Wednesday, November 6, 1996:

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST OFFICERS RICHARD BENJAMIN, ANTHONY GOMES AND CARL A. PAYNE, CENTRAL STATION (FILE NOS. C56-040, C56-042 & C56-041 JWA)

TUESDAY, NOVEMBER 5, 1996

The hearing for taking of evidence in the disciplinary charges filed against Police Officers Richard Benjamin, Anthony Gomes and Carl A. Payne was called at 10:05 a.m., it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department;

Officers Richard Benjamin, Anthony Gomes and Carl A. Payne were present and were represented by Ms. Kathy Mahoney, Attorney at Law.

Opening statements were made by Mr. Jerry Akins and Ms. Kathy Mahoney.

The following witnesses were called by the Department, were sworn and testified:

Mr. Ben Dorcy
Officer Carl Payne
Officer Anthony Gomes
Officer Richard Benjamin

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The following witnesses were called by the Defense, were sworn and testified:

Sergeant Garret Tom
Officer Michael Norman
Deputy Chief John Willett

The following exhibits were entered by the Department for identification:

Exhibit No. 1	Copy Department Bulletin #92-119 (5/18/96)
Exhibit No. 2	Copy Department Bulletin #94-3 (1/4/94)
Exhibit No. 3	Copy Training Record of Officer Richard Benjamin
Exhibit No. 4	Copy Training Record of Officer Carl Payne
Exhibit No. 5	Copy Training Record of Officer Anthony B. Gomes
Exhibit No. 6	Copy Statement Security Report 95-0221 Fairmont Hotel
Exhibit No. 7	CAD Printout
Exhibit No. 8	Copy of Section 647, Penal Code; Page 371

The following exhibits were entered by the Defense for identification:

Exhibit A	Copy - Schedule of Advance Officers Training (1992/1993)
Exhibit B	Copy of CPR "Shake and Shout"
Exhibit C	Copy - Schedule of Advance Officers Training (1994/1995)
Exhibit D	Copy - First Aid - 1994 "Trauma" Advanced Officer Course
Exhibit E	Copy - Arrest Card (David Arnold)
Exhibit F1	San Francisco Arrest Card (Blue)
Exhibit F2	San Francisco Arrest Card (White)

The hearing was then adjourned at 4:35 p.m.

Recess taken during the hearing of Officers Benjamin, Gomes and Payne:

2:45 p.m. - 3:05 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

WEDNESDAY, NOVEMBER 6, 1996

The hearing for taking of evidence in the disciplinary charges filed against Police Officers Richard Benjamin, Anthony Gomes and Carl A. Payne was called at 10:00 a.m., it having been continued from Tuesday, November 5, 1996.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department;

Officers Richard Benjamin, Anthony Gomes and Carl A. Payne were present and were represented by Ms. Kathy Mahoney, Attorney at Law.

The following witnesses were called by the Defense, were sworn and testified:

Inspector Joseph Toomey
Dr. Boyd G. Stephens
Ms. Mary Evans
Officer Sherman Ackerson
Dr. Harold Wilkie, Jr.

The following exhibits were entered by the Department for identification:

Exhibit No. 9	Copy - Detention Manual
Exhibit No. 10	Copy - General Order 4.01, "Booking and Detention of Prisoners"

The following exhibits were entered by the Defense for identification:

Exhibit G	Medical Screening Form
Exhibit H	Copy of Letter to Chief Anthony Ribera from Audrey J. Bakke, Corrections Standards and Services; dated March 7, 1994

- Exhibit I Copy of Letter to Chief Anthony Ribera from
Audrey J. Bakke, Corrections Standards and
Services; dated August 29, 1995
- Exhibit J Copy of Booking and Detention Training Outline
- Exhibit K Copy of Cell Check Log
- Exhibit L Instructions for Completing Cell Check Log

The hearing was then adjourned at 2:10 p.m.

Recess taken during the hearing of Officers Benjamin, Gomes and Payne:

11:50 a.m. - 1:30 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky,
CSR.)

Thereafter, the hearing was adjourned.

A handwritten signature in dark ink, appearing to read "Manuel Barretta", is written over a horizontal line.

Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, NOVEMBER 6, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

SPECIAL MEETING

CLOSED SESSION

Room 505-2
5:00 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

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1. Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigations:

- a. Aetna Casualty & Surety Co. v. CCSF, Unlitigated Claim No. 95-03620
- b. Reine Avila v. CCSF, USDC No. C96-0455 CW
- c. Stanislav Mirzoyen v. CCSF, Unlitigated Claim No. 95-01515
- d. Clarence Shaw v. CCSF, Unlitigated Claim No. 95-03755
- e. Ronald Salkin v. CCSF, Unlitigated Claim No. 95-03194



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, NOVEMBER 6, 1996**

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

PUBLIC SESSION

*Room 551
5:30 p.m.*

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Minutes of Meeting of August 7, 1996
5. Approval of Consent Calendar
6. Police Commission Report
7. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges filed against Officer Donald R. Ramirez, Central Station (File No. JWA C96-109[262])
8. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges filed against Officer Robert A. Tayac, Narcotics Division (File No. JWA C96-179[331])
9. Chief's Report to the Police Commission
10. Presentation of Certificate of Appreciation for Mr. Herbert Gee
11. OCC Director's Report to the Police Commission
12. Presentation of OCC Third Quarter 1996 Statistical Report
13. Discussion and Action re: Interagency Operations and Memorandums of Understanding

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, NOVEMBER 6, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

14. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
15. Disposition Hearing on Charges Filed Against Officer David Rios, Taraval Station
(File Nos. C56-185 JWA, C96-124[277]DC, & C96-168[321] JWA)

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, NOVEMBER 6, 1996

CONSENT CALENDAR

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Aetna Casualty & Surety Co. v. CCSF, Unlitigated Claim No. 95-03620
 - b. Reine Avila v. CCSF, USDC No. C96-0455 CW
 - c. Stanislav Mirzoyan v. CCSF, Unlitigated Claim No. 95-01515
 - d. Clarence Shaw v. CCSF, Unlitigated Claim No. 95-03755
 - e. Ronald Salkin v. CCSF, Unlitigated Claim No. 95-03194
2. Request of the Chief of Police to accept the following donations from Mr. Jerry Shasky, Union Bank of California, for use by the Bank Robbery Apprehension Unit, valued at approximately \$4,000.00:
 - a. Three Sanyo CCD Video Cameras
 - b. One Lefebure CCD Video Camera
 - c. One Sequential Video Switcher
 - d. One Sanyo Video Monitor
 - e. Two Power Units
 - f. One Sanyo Time Lapse Video Recorder
3. Request of the Chief of Police for Approval of Taxicab Owner's Permit for Mr. Xiem Khuu

NOVEMBER 6, 1996**CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, at 5:15 p.m., in Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL

Existing Litigations:

- a. Aetna Casualty & Surety Co. v. CCSF, Unlitigated Claim No. 95-03620
- b. Reine Avila v. CCSF, USDC No. C96-0455 CW
- c. Stanislav Mirzoven v. CCSF, Unlitigated Claim No. 95-01515
- d. Clarence Shaw v. CCSF, Unlitigated Claim No. 95-03755
- e. Ronald Salkin v. CCSF, Unlitigated Claim No. 95-03194

PRESENT: Commissioners Keker, Hewlett, Medina, Wong

ABSENT: Commissioner Norman

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NOVEMBER 6, 1996**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Hewlett, Medina, Wong

ABSENT: Commissioner Norman

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

Met in Closed Session to discuss claims.

APPROVAL OF MINUTES OF MEETING OF AUGUST 7, 1996

Approval of minutes of meeting of August 7, 1996, the Commissioners having received, approved and returned copies of same.

AYES: Commissioners Keker, Hewlett, Medina, Wong

APPROVAL OF CONSENT CALENDAR**RESOLUTION NO. 190-96****AETNA CASUALTY & SURETY CO. v. CCSF**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Aetna Casualty & Surety Co. v. CCSF" in Unlitigated No. 95-03620 for damages sustained, be, and the same is hereby approved.

Date of Incident: January 16, 1996

AYES: Commissioners Hewlett, Medina, Wong

ABSENT: Commissioners Keker, Norman

RESOLUTION NO. 191-96**REINE AVILA v. CCSF**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Reine Avila v. CCSF" in U.S. District Court No. C-96-0455 CW for damages sustained, be, and the same is hereby approved.

Date of Incident: September 18, 1994

174
AYES: Commissioners Hewlett, Medina, Wong
ABSENT: Commissioners Keker, Norman

RESOLUTION NO. 192-96

STANISLAV MIRZOYEN v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Stanislav Mirzoyen v. CCSF" in Unlitigated Claim No. 95-01515 for damages sustained, be, and the same is hereby approved.

Date of Incident: October 10, 1995

AYES: Commissioners Hewlett, Medina, Wong
ABSENT: Commissioners Keker, Norman

RESOLUTION NO. 193-96

CLARENCE SHAW v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Clarence Shaw v. CCSF" in Unlitigated Claim No. 95-03755 for damages sustained, be, and the same is hereby approved.

Date of Incident: January 31, 1996

AYES: Commissioners Hewlett, Medina, Wong
ABSENT: Commissioners Keker, Norman

RESOLUTION NO. 194-96

RONALD SALKIN v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Ronald Salkin v. CCSF" in Unlitigated Claim No. 95-03194 for damages sustained, be, and the same is hereby approved.

Date of Incident: February 23, 1996

AYES: Commissioners Hewlett, Medina, Wong
ABSENT: Commissioners Keker, Norman

RESOLUTION NO 196-96

APPROVAL OF TAXICAB OWNER'S PERMIT FOR MR. XIEM KHUU

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that the above named individual, based on his application and the San Francisco Permit Bureau certifications, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Xiem Khuu.

AYES: Commissioners Hewlett, Medina, Wong
ABSENT: Commissioners Keker, Norman

RESOLUTION NO. 195-96**APPROVAL TO ACCEPT DONATION OF EQUIPMENT FROM MR. JERRY SHASKY, UNION BANK OF CALIFORNIA FOR USE BY THE BANK ROBBERY APPREHENSION UNIT, VALUED AT APPROXIMATELY \$4,000.00**

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of equipment from Mr. Jerry Shasky, Union Bank of California, for use by the Bank Robbery Apprehension Unit, valued at approximately \$4,000.00.

AYES: Commissioners Hewlett, Medina, Wong
ABSENT: Commissioners Keker, Norman

POLICE COMMISSION REPORT

Commissioner Medina announced his resignation effective November 8th. He stated he is proud of the Police Department and commended command staff.

RESOLUTION NO. 188-96**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER DONALD R. RAMIREZ, CENTRAL STATION
(FILE NO. JWA C96-109[262])**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Donald R. Ramirez, Central Station, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Ramirez; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Donald Ramirez and is to be set at a later date.

AYES: Commissioners Hewlett, Medina, Wong
ABSENT: Commissioners Keker, Norman,

RESOLUTION NO. 189-96**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER ROBERT A. TAYAC, NARCOTICS DIVISION
(FILE NO. JWA C96-179[331])**

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Robert A. Tayac, Narcotics, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Tayac; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Robert A. Tayac and is to be set at a later date.

AYES: Commissioners Hewlett, Medina, Wong
ABSENT: Commissioners Keker, Norman,

**DISPOSITION HEARING ON CHARGES FILED AGAINST OFFICER
DAVID RIOS, TARAVAL STATION (FILE NOS. C56-185 JWA,
C96-124[277]DC, & C96-168[321]JWA)**

Taken out of order. Recalendar for December 4th.

CHIEF'S REPORT TO THE POLICE COMMISSION

Lieutenant Speros introduced John Deering, Chief, regarding exchange with Maryland National Park Police.

Chief Lau thanked Commissioner Medina and wished him well.

The Chief also stated that 15 new sergeant appointed last Monday. He discussed Halloween candy hand-out at the district stations.

The Chief discussed demonstration at S.F. State regarding Prop.209.

Commissioner Hewlett thanked officers, on behalf of the Commission, for cultural sensitivity shown.

**PRESENTATION OF CERTIFICATE OF APPRECIATION FOR MR.
HERBERT GEE**

Chief Lau and Lieutenant Tom Carew, Robbery, presented Mr. Herbert Gee with Certification of Appreciation.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

&

**PRESENTATION OF OCC THIRD QUARTER 1996 STATISTICAL
REPORT**

Director Mary Dunlap thanked Commissioner Medina and wished him well. Director Dunlap presented 1996 3rd Quarter Statistical Report. She stated that three new investigators are coming on board this week.

Commissioner Hewlett commended the OCC staff on the statistical report and discussed policy recommendations and asked the department look at #832-95 regarding notifying Psych Liaison when needed, and 732-95 regarding 647f arrests.

**DISCUSSION AND ACTION RE: INTERAGENCY OPERATIONS AND
MEMORANDUMS OF UNDERSTANDING**

Put over to December 4th.

PUBLIC COMMENTS

None.

Thereafter, the meeting was adjourned at 6:10 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

NOVEMBER 18, 1996SPECIAL MEETINGPROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE
CHARGES FILED AGAINST OFFICER ROBERT L. HART, SUPPORT
SERVICES (FILE NO. C56-208 JWA)

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Robert L. Hart was called at 2:00 p.m., it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department;

Officer Robert L. Hart was present and was represented by Mr. Randall Knox, Attorney at Law.

Opening statements were made by Mr. Jerry Akins and Mr. Randall Knox.

The following witnesses were called by the Department, were sworn and testified:

Officer Beverly Flemings, Oakland Police Department
Officer Gary Foppiano, Oakland Police Department
Officer Robert Torio, Oakland Police Department
Sergeant Ian Haney, Oakland Police Department

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The following exhibits were identified and entered into evidence by the Department:

Exhibit No. 1	Diagram 17th Avenue & East 14th Street, Oakland
Exhibit No. 2A	Photo
Exhibit No. 2B	Photo - International Design Furniture
Exhibit No. 2C	Photo
Exhibit No. 2D	Photo - Corner with Goodwill Cab Co.
Exhibit No. 2E	Photo
Exhibit No. 2F	Photo - Motel
Exhibit No. 4	Copy of Diagram - 17th Avenue & East 14th Street, Oakland
Exhibit No. 5	Copy of Statement of Brian Camozzi

The following exhibit was entered for identification by the Department:

Exhibit No. 3	Copy of Police Report No. 95120649 (4 pages)
---------------	--

The following witnesses were call by the Defense, were sworn and testified:

Inspector Darcy Keller, SFPD
Sergeant Ian Haney, Oakland Police Department
Lieutenant Jonna Harlan, S.F. Sheriff's Department
Lieutenant Kitt Crenshaw, SFPD
Sergeant Rachel A. Karp, SFPD
Officer Robert Hart

The following exhibit was identified and entered into evidence by the Defense:

Exhibit A Diagram - 17th Avenue & East 14th Street, Oakland

The following exhibit was entered for identification by the Defense:

Exhibit B Copies of Reference of Officer Robert Hart (5)

The hearing was then adjourned at 6:40 p.m.; continued for disposition on Wednesday, December 4, 1996, at 5:30 p.m.


Recess taken during the hearing of Officer Hart:

3:45 p.m. - 4:05 p.m.

6:00 p.m. - 6:30 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the hearing was adjourned.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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TEL: 415 553 1669

P. 002



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, NOVEMBER 20, 1996**

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

SPECIAL MEETING

**ROOM 551
5:30 P.M.**

Hearing and Decision on Charges Filed Against:

Officer Marc Andaya

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

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There will be no Police Commission Regular Meetings on Wednesday, November 13, 1996 and Wednesday, November 27, 1996. The next Police Commission Regular Meeting will be on Wednesday, December 4, 1996, in the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, at 5:30 p.m.

WEDNESDAY, DECEMBER 7, 1970, at 5:00 P.M.

NOVEMBER 20, 1996SPECIAL MEETINGHEARING OF OFFICER MARC ANDAYA, HEADQUARTERS
(FILE NO. C56-112 BSK)

The hearing of Officer Marc Andaya regarding Charge No. 2, was called it having been set for this date. Officer Marc Andaya was charged with violating the Rules and Procedures, as follows:

CHARGE NO. 2

Unnecessary Use of Force (a violation of General Order 5.01 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, former Chief of Police of the San Francisco Police Department.

Officer Marc Andaya appeared in person and was represented by Mr. James Collins, Attorney at Law.

Ms. Diane Chin, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Closing statements were made by Ms. Diane Chin, Attorney at Law, for the Prosecution.

Closing statements were made by Mr. James Collins, Attorney at Law, for the Defense.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 197-96

WHEREAS, on November 20, 1995, Anthony D. Ribera, former Chief of Police, made and served charges against Officer Marc Andaya, as follows:

CHARGE NO. 2

- (7) The accused did kick Mr. Williams in and about the head area several times in violation of General Order 5.01, which states:

"Unnecessary force occurs when physical abuse of a person being arrested or detained is exacted or when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."

and

WHEREAS, hearings on Charge No. 2 were held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on October 7th, 8th, 10th and 11th, 1996, and on Wednesday November 20, 1996, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission failed to reach a unanimous verdict with Commissioners Keker and Hewlett voting not to sustain the charge and Commissioners Norman and Wong voting to sustain the charge; therefore be it

RESOLVED, that it is the order of the Police Commission that said charges contained in Charge No. 2, be, and the same are hereby dismissed.

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If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

SUSTAIN: Commissioners Norman, Wong
NOT SUSTAIN: Commissioners Kecker, Hewlett

(The entire proceedings were taken in shorthand form by Ms. Regina Defanti, CSR.)

Thereafter, the hearing was adjourned.

A handwritten signature in dark ink, appearing to read 'M. Barretta', is written over a horizontal line.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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TEL: 415 553 1669

P. 002



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

**CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING**

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

There will be no Police Commission Regular Meeting on *Wednesday, November 27, 1996*. The next Police Commission Meeting will be on *Wednesday, December 4, 1996*, at 5:30 p.m., in the Hall of Justice, Room 551.

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If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

SUSTAIN: Commissioners Norman, Wong
NOT SUSTAIN: Commissioners Keke, Hewlett

(The entire proceedings were taken in shorthand form by Ms. Regina Defanti, CSR.)



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, DECEMBER 4, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

SPECIAL MEETING

CLOSED SESSION

Room 505-2
5:15 p.m.

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1. Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:

- a. Larry Ackerman, David Bowman, Donald Branchflower, Joseph Cain, Graham Cruickshank, Eric Shannonhouse, and Eden Somberg v. City and County of San Francisco, Anthony Ribera, John Haggett, Stephen Bosshard, Edward Santos, and Hoyt Wong, United States District Court, N.D. Cal. No. C95-3883

188

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

SUSTAIN: Commissioners Norman, Wong
NOT SUSTAIN: Commissioners Kecker, Hewlett

(The entire proceedings were taken in shorthand form by Ms. Regina Defanti, CSR.)



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, DECEMBER 4, 1996

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

PUBLIC SESSION

Room 551

5:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Vote on whether to Disclose Closed Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
 - a. Setting of Date for Taking of Evidence on Disciplinary Charges Filed Against Officers Stephen Zimmerman, Gregory Neal, Gerald Louie, Kirk Bozin and Mark Andaya
 - b. Setting of Date for Taking of Evidence on Disciplinary Charges Filed Against Officers Davin Cole and Michael Robison
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Request of the Chief of Police for Approval of \$575,000 Supplemental Appropriations from the Citizen's Option for Public Safety Program, to use as Matching Funds for the "Cops-More '96" Program and the implementation of a Behavioral Health Benefits Program

180

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

SUSTAIN: Commissioners Norman, Wong
NOT SUSTAIN: Commissioners Keker, Hewlett

(The entire proceedings were taken in shorthand form by Ms. Regina Defanti, CSR.)



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, DECEMBER 4, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

9. Request of the Chief of Police for Approval to Implement the Police Department's Behavioral Health Benefits Program
10. Request of the Chief of Police to Accept and Expend Funds from the State of California Department of Alcohol Beverage Control to Continue Existing Alcohol Beverage Control Grant Program
11. Request of the Chief of Police to Apply for Retroactively, Accept and Expend Funds from the U.S. Department of Justice to Implement the "COPS-MORE '96" Program
12. Status Report re: Affirmative Action Plan of the San Francisco Police Department
13. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
14. Disposition Hearing on Charges Filed Against Officer David Rios, Taraval Station
(File Nos. C56-185 JWA, C96-124[277]DC, & C96-168[321] JWA)
15. Disposition Hearing on Charges Filed Against Officer Robert L. Hart, Support Services
(File No. C56-208 JWA)

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

SUSTAIN: Commissioners Norman, Wong
NOT SUSTAIN: Commissioners Kecker, Hewlett

(The entire proceedings were taken in shorthand form by Ms. Regina Defanti, CSR.)



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, DECEMBER 4, 1996

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Larry Ackerman, David Bowman, Donald Branchflower, Joseph Cain, Graham Cruickshank, Eric Shannonhouse, and Eden Somberg v. City and County of San Francisco, Anthony Ribera, John Haggett, Stephen Bosshard, Edward Santos, and Hoyt Wong, United States District Court, N.D. Cal. No. C95-3883
2. Request of the Chief of Police for Approval to Accept Donation of the following items for the Crime Prevention Company, valued at approximately \$4,700.00: One Colt Lightweight Sporter with two magazines; One Colt Sporter Match 1/7 H-Bar; 12 thirty round capacity magazines; 12 five/twenty round capacity magazines; two fifteen round capacity magazines; and two Steel ammunition boxes

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

DECEMBER 4, 1996**CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, San Francisco, in a Closed Session.

Government Code 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

- a. Larry Ackerman, David Bowman, Donald Branchflower, Joseph Cain, Graham Cruickshank, Eric Shannonhouse, and Eden Somberg v. City and County of San Francisco, Anthony Ribera, John Haggett, Stephen Bosshard, Edward Santos, and Hoyt Wong, United States District Court, N.D. Cal. No. C95-3883

PRESENT: Commissioners Keker, Norman, Hewlett, Wong

DECEMBER 4, 1996**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Wong

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

Commissioner Keker stated the Commission discussed settlement regarding 938 Harrison Street Case and voted to settle.

Also present was Pat Mahoney, City Attorney's Office, who discussed settlement terms. Settlement amount of \$56,000 to plaintiffs and \$91,956. for attorney's fee.

APPROVAL OF CONSENT CALENDAR**RESOLUTION NO. 198-96**

LARRY ACKERMAN, DAVID BOWMAN, DONALD BRANCHFLOWER, JOSEPH CAIN, GRAHAM CRUICKSHANK, ERIC SHANNONHOUSE, AND EDEN SOMBERG v. CITY AND COUNTY OF SAN FRANCISCO, ANTHONY RIBERA, JOHN HAGGETT, STEPHEN BOSSHARD, AND HOYT WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Larry Ackerman, David Bowman, Donald Branchflower, Joseph Cain, Graham Cruickshank, Eric Shannonhouse, and Eden Somberg v. CCSF, Anthony Ribera, John Haggett, Stephen Bosshard, Edward Santos, and Hoyt Wong" in the United States District Court, N.D. Cal. No. C95-3883 DLJ, for damages sustained, be, and the same is hereby approved.

Date of Incident: January 1, 1995

AYES: Commissioners Keker, Hewlett, Norman, Wong

RESOLUTION NO. 199-96

APPROVAL TO ACCEPT DONATION OF THE FOLLOWING ITEMS FOR THE CRIME PREVENTION COMPANY, VALUED AT APPROXIMATELY \$4,700.00: ONE COLT LIGHTWEIGHT SPORTER WITH TWO MAGAZINES; ONE COLT SPORTER MATCH 1/7 H-BAR; 12 THIRTY ROUND CAPACITY MAGAZINES; 12 FIVE/TWENTY ROUND CAPACITY MAGAZINES; TWO FIFTEEN ROUND CAPACITY MAGAZINES; AND TWO STEEL AMMUNITION BOXES

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of the following items for the Crime Prevention Company, valued at approximately \$4,700.00: One Colt Lightweight Sporter with two magazines; One Colt Sporter Match 1/7 H-Bar; 12 thirty round capacity magazines; 12 five/twenty round capacity magazines; two fifteen round capacity magazines; and two Steel ammunition boxes. Donation is made by Mr. George K. Merijohn.

AYES: Commissioners Keker, Norman, Hewlett, Wong

POLICE COMMISSION REPORT

- a. **Setting of Date for Taking of Evidence on Disciplinary Charges filed Against Officers Stephen Zimmerman, Gregory Neal, Gerald Louie, Kirk Bozin and Marc Andaya**
- b. **Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officers Davin Cole and Michael Robison**

Commissioner Keker discussed Management Audit Report and asked that the Department respond. Chief Lau responded. Audit Report to be calendared December 11th.

Commissioner Keker discussed Disciplinary System. Commission will be working on Disciplinary System.

Officers Cole and Robison's hearing set for January 9th, at 9:00 a.m.

Hearing set for January 22nd regarding Andaya et al. matter.

District Meeting on the 29th and no meeting for the 18th of December.

Next meeting will be on January 8th.

DISPOSITION HEARING ON CHARGES FILED AGAINST OFFICER ROBERT L. HART, SUPPORT SERVICES (FILE NO. C56-208 JWA)

Taken out of order. Put over to December 11th.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Lau briefed the Commission regarding kidnaping case and stated that an arrest was made.

Deputy Chief Willett briefed the Commission regarding case.

Chief Lau stated that several hundred officers participated in feeding indigents during the Thanksgiving Holiday.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, Director OCC, stated new investigators are about to complete their training and begin cases by the first of the year. She also discussed the Youth Outreach Program.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF \$575,00 SUPPLEMENTAL APPROPRIATIONS FROM THE CITIZEN'S OPTION FOR PUBLIC SAFETY PROGRAM, TO USE AS MATCHING FUNDS FOR THE "COPS-MORE '96" PROGRAM AND THE IMPLEMENTATION OF A BEHAVIORAL HEALTH BENEFITS PROGRAM

Taken off calendar.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO IMPLEMENT THE POLICE DEPARTMENT'S BEHAVIORAL HEALTH BENEFITS PROGRAM

Taken off calendar.

RESOLUTION NO. 200-96

AUTHORIZING THE CHIEF OF POLICE TO ACCEPT AND EXPEND FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOL BEVERAGE CONTROL TO CONTINUE EXISTING ALCOHOL BEVERAGE CONTROL GRANT PROGRAM

RESOLVED, that the Police Commission hereby authorize the Chief of Police of the City and County of San Francisco to accept and expend funds from the State of California Department of Alcohol Beverage Control to continue existing Alcohol Beverage Control Grant Program

AYES: Commissioners Keker, Norman, Hewlett, Wong

RESOLUTION NO. 201-96

AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR RETROACTIVELY, ACCEPT AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE TO IMPLEMENT THE "COPS-MORE '96" PROGRAM

RESOLVED, that the Police Commission authorize the Chief of Police of the City to apply for retroactively, accept and expend funds from the U.S. Department of Justice to implement the "Cops-More '96" Program.

AYES: Commissioners Keker, Norman, Hewlett, Wong

STATUS REPORT RE: AFFIRMATIVE ACTION PLAN OF THE SAN FRANCISCO POLICE DEPARTMENT

Julie Gonzales, Consent Decree, presented the Affirmative Action Plan. Commissioner Hewlett commended Julie Gonzales.

PUBLIC COMMENTS

Daniel Paiz discussed concerns regarding Aaron Williams matter.

Matthew Dodd discussed concerns regarding police actions.

Unidentified discussed concerns regarding juveniles in the Richmond District.

Daniel Garcia discussed concerns regarding brutality cases. Stated he is the brother of Mark Garcia.

Deandre Butler discussed concerns regarding excessive force.

Michelle Hubbard, Geary Corridor Association, discussed drug dealing and other problems in the area and asked the police help. She discussed transfer of officers and presented the Commission with a petition.

Frank Dumphrey, Geary Corridor Association, discussed problems at shelter in the area.

Cornelius Hall discussed concerns regarding police actions.

Maria Guiteriez discussed concerns regarding police actions.

Louise Vaughn discussed actions of police.

Unidentified read a statement.

Sergeant John Sanford, President OFJ, discussed termination of Consent Decree and asked for a copy of Affirmative Action Plan.

HEARING OF OFFICER DAVID RIOS, SUPPORT SERVICES (FILE NOS. C56-185 JWA, C96-124[277]DC, AND C96-168[321]JWA)

The hearing of Police Officer David Rios, Support Services, was called it having been set for this date. Officer Rios was charged with violating the Rules and Procedures as follows:

FILE NO. C56-185 JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the

department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

FILE NO. C96-124(277) DC

SPECIFICATION NO. 1

Neglect of Duty (failure to prepare and send vehicle recovery report in violation of General Order 2.01, Rules 5 and 9);

FILE NO. C96-168(321)JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rules 2 and 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

in properly verified complaints by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Officer David Rios appeared in person and was represented by Ms. Kathy Mahoney, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Rios admitted to the specifications contained in File Nos. C96-124[277]DC and C96-168[321] JWA. Specification No. 1 contained in File No. C56-185 JWA was withdrawn by the Department.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 202-96

DECISION - HEARING OF OFFICER DAVID RIOS, SUPPORT SERVICES DIVISION

WHEREAS, on June 28, 1996, August 17, 1996 and October 2, 1996, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer David Rios, as follows:

FILE NO. C56-185 JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General order 2.01 of the San Francisco Police Department).

- (1) At all times herein mentioned, David Rios, Star Number 1953, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to

the Field Operations Bureau, Taraval Station;

- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) For approximately seven years before May 20, 1994, the accused and a woman (referred to herein as the victim) lived together; they separated approximately two years before January 18, 1996; the accused and the victim had no contact between the time they separated and January 18, 1996;
- (4) While the accused and the victim lived together, they owned a 1977 Dodge van which was registered in both their names as joint tenants; after they separated, the victim kept possession of the 1977 van and on May 20, 1994, the victim registered the van in her own name alone;
- (5) On January 18, 1996, the accused entered a bar located in San Bruno, California; in the bar he met the victim's present husband; the accused and the husband had a few drinks together; the husband was unaware of the former relationship of the accused and his wife; on January 18, 1996, at about 0200 hours, the accused left the bar with the victim's husband; together, at the invitation of the husband, they went to the home of the victim and her husband; when they arrived at the home, the 1977 Dodge van was parked in the driveway; the victim asked the accused to leave the premises as she did not want to see him;
- (6) The accused agreed and left the house, walking back in the direction the bar where the accused had met the husband; the victim noticed that when the accused left, the 1977 Dodge van was where it had been parked; immediately after the accused left, the victim heard the van start and then noticed that it was gone; at 0208 hours, she called the San Bruno Police Department and reported the theft of her 1977 Dodge van;
- (7) The San Bruno Police located the van with a flat tire shortly after they answered the call that the van had been taken; the van was recovered parked on the street, a block away from the bar where the accused had met the victim's present husband earlier in the evening;
- (8) When questioned by the San Bruno Police, the accused denied taking the van from the premises; the accused admitted that he had a key to the van with him that night and that he had entered the van that evening while he was at the victim's house; given the timing of the taking of the van and the accused's admissions, it is probable that the accused took the van without the victim's permission;
- (9) The accused by using the key he had kept and brought with him to enter the van he no longer owned and by taking the van from the registered owner without permission engaged in conduct which violated Rule 2 of Department General Order 2.01, which states:

"Officers shall, while off duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officer's ability at the time in questions."
- (10) The accused by entering the van using a key from when he owned the van with the victim and by taking the van from the victim without her permission engaged in criminal conduct, which violates Rule 9 of Department General Order 2.01, of the San Francisco Police Department, which states:

“Misconduct. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.”

FILE NO. C96-124[277]DC

SPECIFICATION NO. 1

Neglect of Duty (failure to prepare and send vehicle recovery report in violation of General Order 2.01, Rules 5 and 9)

- (1) At all times herein mentioned, David Rios, Star Number 1953, (hereinafter referred to as “the Accused Officer”) was and is a police officer employed by the San Francisco Police Department, assigned to Taraval Station, Company I;
- (2) As a police officer, the Accused Officer was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about August 14, 1995, the Accused Officer was informed by a civilian who owned a car reported stolen that the civilian had recovered his vehicle. The Accused Officer provided a Vehicle Release Form to the civilian;
- (4) Department Bulletin 93-208, issued on 8/24/96, entitled “Properly Completing Stolen/Recovered Reports,” requires that officers fill out stolen/recovered car incident reports legibly and completely, and that officers, inter alia:
 - Indicate whether the vehicle was towed or release to owner.
...
 - Make sure that Auto Statix receives your fax (the fax machine will display on “Okay message”).
 - Forward reports **promptly**. Even though State law mandates that reports must be entered within ten minutes after being reported to the police, Auto Statix receives reports two or three hours after the report is taken.(Emphasis in original.)
- (5) The Accused Officer did not comply with Department Bulletin 93-208. He did not complete a report, process a report or fax a copy of a vehicle report to Auto Statix;
- (6) In fact, on September 2, 1995, the civilian’s car was recovered by a law enforcement agency and towed while in El Dorado County because it had not been cleared in the San Francisco Police Department computer as a recovered stolen vehicle;
- (7) The Accused Officer’s neglect of duty caused the El Dorado County law enforcement agency to needlessly expend its resources and the civilian expense, inconvenience and wasted time in recovering his towed vehicle from El Dorado County;
- (8) The Accused Officer by engaging in the above-described conduct has violated Department General Order 2.01, Rules 5 and 9 of the

San Francisco Police Department General Orders, which states:

“PERFORMING DUTIES. Members shall perform their duties promptly and according to Department policies and procedures.

MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.”

FILE NO. C96-168[321]JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the violation on the department (violation of Rules 2 and 9 of Department General Order 2.01 of the San Francisco Police Department);

- (1) At all times herein mentioned, David Rios, Star Number 195, (hereinafter referred to as “the accused”) was and is a police officer, employed by the San Francisco Police Department and assigned to the Field Operations Bureau, Taraval Station, now assigned to the Support Services Division;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On Friday, August 30, 1996, in the early evening, the accused entered a bar located on Taraval Street in the Taraval District. While in the bar, the accused approached another patrol in the bar (“the victim”) and started a physical altercation with the victim. The bartender called 911 for police assistance, after the accused three times refused to leave the other patron alone and withdraw from the fray. The accused refused and Police Officers from the Taraval District responded to the premises;
- (4) Witnesses said that the accused threatened the victim, by saying that he had “better never drive in the neighborhood again, I am a cop and you are dead meat.” The responding officers stepped outside the bar to talk with one of the witnesses. The victim came out and said that the accused had again threatened the victim and the man he was talking to, telling them that each of them are “dead meat.”
- (5) The accused left the bar before a Sergeant called by the responding officers had arrived at the bar on Taraval Street;
- (6) The accused, by starting a confrontation with the victim in this matter, refusing to disengage from the confrontation and threatening the victim and another man in the bar, engaged in conduct which violated Rules 2 and 9 of Department General Order 2.01, which states:

“2. OFF-DUTY RESPONSIBILITY. While off duty, officers shall take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property, consistent with their ability to take proper action.”

“9. MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer, either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.”

SPECIFICATION NO. 2

- (7) Each allegation contained in paragraphs 1 through 5, of Specification No. 1 above, is realleged and incorporated in this specification by reference;
- (8) After the accused left the bar on Taraval Street where he had the altercation and made the threats, he went to another bar on Noriega Street, also in the Taraval District. The Sergeant who responded to the first bar called for the Lieutenant. The Lieutenant and the Sergeant went to the bar on Noriega Street. The Lieutenant and the Sergeant observed the accused drinking and that the accused appeared to be intoxicated. The Lieutenant requested that the accused step outside the bar to talk to her; the accused refused to exit the bar, whereupon the Lieutenant insisted that the accused exit the bar. The accused finally exited the bar to talk to the Lieutenant. The accused was very angry, he admitted that he had been drinking for several hours and denied that he had done anything wrong. The accused refused the Lieutenant's order that he return to the Taraval District Station for further investigation. Several times he refused to return to the station and finally agreed to return and did accompany the Lieutenant and Sergeant to Taraval Station.

“WRITTEN ORDERS. Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors.”

- (9) The accused by refusing to follow the lawful orders of the Lieutenant was insubordinate, subverting the order, efficiency and discipline of the department, which violates Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

“MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer, either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.”

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, December 4, 1996, where the matter was submitted to the Police Commission for decision; and

WHEREAS, Specification No. 1 contained in File No. C56-185 JWA was withdrawn by the Department;

WHEREAS, based on Officer David Rios' admission, the Commission finds the allegations contained in Specification Nos. 1, of case Nos. C96-124[277] DC and C96-168[321]JWA, as preferred by Chief of Police Fred H. Lau against Officer Rios are sustained; and the Commission adopts the sustained

specifications as its findings in this matter; therefore be it

RESOLVED, that based on this findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 (File No. C96-124[277] DC)

Sustain

SPECIFICATION NO. 1 (File No. C96-168[321] JWA)

Sustain

SPECIFICATION NO. 2 (File No. C96-168[321] JWA)

Sustain


Ninety (90) days suspension;

FURTHER RESOLVED, that said ninety (90) day suspension shall commence on Saturday, December 7, 1996, at 0001 hours and end Thursday, March 6, 1997, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure Section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Keker, Norman, Hewlett, Wong

Thereafter, the meeting was adjourned.



Lieutenant Manuel Barretta

Secretary

THE POLICE COMMISSION

1137/rc



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, DECEMBER 11, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

SPECIAL MEETING

CLOSED SESSION

Room 505-2
5:15 p.m.

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JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:

- a. Khalil Benkirane v. CCSF, Claim No. 95-03464

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, DECEMBER 11, 1996

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

Room 551
5:30 p.m.

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance
2. Roll Call
3. Vote on whether to Disclose Closed Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
 - a. Motion of Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Request of the Chief of Police for Approval of \$575,000 Supplemental Appropriations from the Citizen's Option for Public Safety Program, to use as Matching Funds for the "Cops-More '96" Program and the implementation of a Behavioral Health Benefits Program
9. Request of the Chief of Police for Approval to Implement the Police Department's Behavioral Health Benefits Program
10. Request of the Chief of Police for Approval to Rescind General Order 4.01, "Booking and Detention of Prisoners," and that Future Amendments to Policies and Procedures be Included in the Booking and Detention Manual

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, DECEMBER 11, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

LT. MANUEL BARRETTA
Secretary

11. Discussion and Action re: Department General Order 11.06, "Personnel Transfers"
12. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
13. Disposition Hearing on Charges Filed Against Officer Robert L. Hart, Support Services (File No. C56-208 JWA)

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:
 - a. Khalil Benkirane v. CCSF, Claim No. 95-03464
2. Request of the Chief of Police for Approval of Taxicab Owner's Permits for the following named individuals:

Frank Alonso	Andy Huang	Mark Olson
Mohammadd Bakir	William Jones	Marc Paulsen
Thomas Callan	Robert Migdal	Samuel Peoples
Yefim Dolgoy	Fabian Molloy	Stephen Reimers
John Donnelly	Larry Mott	Joaquin Ruiz
Thomas Eng	Thomas O'Brien	Skot Stribolt
Robert Friedman		
3. Request of the Chief of Police for Approval to Accept Donation of a Bicycle from the Park Merced Apartments for use of the Taraval Station, valued at approximately \$500.00



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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO
AMENDED

**CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, DECEMBER 11, 1996**

*Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California*

JOHN KEKER
President

PAT NORMAN
Vice President

GLOTHILOE NEWLETT
Commissioner

JOSE MEXINA
Commissioner

DOUGLAS F. WONG
Commissioner

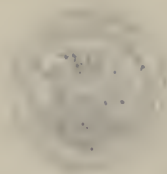
LT. MANUEL BARRETTA
Secretary

PUBLIC SESSION

Room 551

5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on whether to Disclose Closed Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
 - a. Motion of Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion re: Management Audit of the San Francisco Police Department Phase 1
9. Request of the Chief of Police for Approval of \$575,000 Supplemental Appropriations from the Citizen's Option for Public Safety Program, to use as Matching Funds for the "Cops-More '96" Program and the implementation of a Behavioral Health Benefits Program
10. Request of the Chief of Police for Approval to Implement the Police Department's Behavioral Health Benefits Program



THE SECRETARY OF THE INTERIOR
WASHINGTON, D. C.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.

WATER RESOURCES DIVISION
WASHINGTON, D. C.

WASHINGTON, D. C.

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WASHINGTON, D. C.



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS REGULAR MEETING OF THE POLICE COMMISSION WEDNESDAY, DECEMBER 11, 1996

JOHN KEKER
President

PAT NORMAN
Vice President

CLAUDIA MCNEIL
Commissioner

JOSE MEDINA
Commissioner

DOUGLAS F. WONG
Commissioner

FRANK J. BARRETTA
Secretary

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(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
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3. Request of the Chief of Police for Approval to Accept Donation of a Bicycle from the Park Merced Apartments for use of the Taraval Station, valued at approximately \$500.00



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

REPORT OF THE
LAND SURVEYING
SECTION

1. Name of Survey: [Illegible]
2. Date of Survey: [Illegible]
3. Name of Surveyor: [Illegible]

4. Name of Land: [Illegible]

5. Description of Land: [Illegible]
6. Location of Land: [Illegible]

7. Remarks: [Illegible]

ADDITIONAL NOTES

8. Name of Surveyor: [Illegible]

9. Date of Survey: [Illegible]

10. Name of Land: [Illegible]

11. Name of Surveyor	12. Date of Survey	13. Name of Land
14. Name of Surveyor	15. Date of Survey	16. Name of Land
17. Name of Surveyor	18. Date of Survey	19. Name of Land
20. Name of Surveyor	21. Date of Survey	22. Name of Land
23. Name of Surveyor	24. Date of Survey	25. Name of Land
26. Name of Surveyor	27. Date of Survey	28. Name of Land
29. Name of Surveyor	30. Date of Survey	31. Name of Land
32. Name of Surveyor	33. Date of Survey	34. Name of Land
35. Name of Surveyor	36. Date of Survey	37. Name of Land
38. Name of Surveyor	39. Date of Survey	40. Name of Land

11. Name of Surveyor: [Illegible]
12. Date of Survey: [Illegible]
13. Name of Land: [Illegible]

DECEMBER 11, 1996

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Keker, Norman, Hewlett, Wong

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

No Closed Session. Settlement on the calendar not a Police Department case.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 208-96

APPROVAL OF TAXICAB OWNER'S PERMITS

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that the named individuals, based on their applications and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to the following individuals:

Frank Alonso	Andy Huang	Mark Olson
Mohammadd Bakir	William Jones	Marc Paulsen
Thomas Callan	Robert Migdal	Samuel Peoples
Yefim Dolgoy	Fabian Molloy	Stephen Reimers
John Donnelly	Larry Mott	Joaquin Ruiz
Thomas Eng	Thomas O'Brien	Skot Stribolt
Robert Friedman		

AYES: Commissioners Keker, Norman, Hewlett, Wong

RESOLUTION NO. 207-96

APPROVAL TO ACCEPT DONATION OF A BICYCLE FROM THE PARK MERCED APARTMENTS FOR USE OF THE TARAVAL STATION, VALUED AT APPROXIMATELY \$500.00

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of a bicycle from the Park Merced Apartments for use of the Taraval Station, valued at approximately \$500.00.

AYES: Commissioners Keker, Norman, Hewlett, Wong

POLICE COMMISSION REPORT

Commissioner Keker asked Deputy Chief Welch to report on January 8th regarding letter from ACLU on First Amendment Guidelines.

Commissioner Keker also addressed request for clarification letter from Diane Chin and instruct Ms. Chin to write a brief regarding facts that she thinks she can prove and then write the law to those facts.

Commissioner Norman discussed S.A.N. meeting and stated cab

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companies will not take chits from seniors. She also stated that the wait is lengthy for seniors. She also stated that she met with 185th recruit class and attended sensitivity training in Los Angeles.

Commissioner Hewlett commended the Department and Operation Dream for their toy drive.

Commissioner Keker discussed the case of Officers Cole and Robison and stated telephone conference set for 12:00 p.m. with Ms. Mahoney and Chin.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Welch stated that Chief Lau is out of town. He reported the death of Inspector Tank and a moment of silence was observed.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mary Dunlap, Director OCC, stated that OCC is closing almost all 1995 cases and discussed upcoming annual report.

DISCUSSION RE: MANAGEMENT AUDIT OF THE SAN FRANCISCO POLICE DEPARTMENT PHASE 1

Deputy Chief Welch stated that department members worked with the Board of Supervisors' Budget Analyst team.

Sergeant Dave Herrera gave an overview re: Audit Review Team.

Lieutenant Don Carlson, FOB, discussed district station deployment and scheduling; overtime and the need to differentiate voluntary and involuntary overtime. He also discussed the SLES program. He stated that Deputy Chief Holder has had a meet and confer session with the POA to present the department's plan to consider voluntary and involuntary overtime and secondary employment.

Lieutenant Alex Fagan, Fiscal, discussed overtime costs.

Sergeant Herrera discussed materials and supplies and procedures.

RESOLUTION NO. 203-96

APPROVAL OF \$575,000 SUPPLEMENTAL APPROPRIATIONS FROM THE CITIZEN'S OPTION FOR PUBLIC SAFETY PROGRAM, TO USE AS MATCHING FUNDS FOR THE "COPS-MORE '96" PROGRAM AND THE IMPLEMENTATION OF A BEHAVIORAL HEALTH BENEFITS PROGRAM

WHEREAS, the San Francisco Police Department has been awarded a "Cops-More '96" grant from the U.S. Department of Justice - Office of Community Oriented Policing Services requiring a local cash match in the amount of four hundred seventy-five thousand dollars (\$475,000), and;

WHEREAS, the San Francisco Police Department will implement a Behavioral Health Benefits Program at a first year cost of one hundred thousand dollars (\$100,000), now, therefore be it;

RESOLVED, that the Police Commission approves a request for supplemental funds in the amount of five hundred seventy-five thousand dollars (\$575,000), from the "Citizen's Option for Public Safety Program (AB-3229-MOCJP).

AYES: Commissioners Keker, Norman, Hewlett, Wong

RESOLUTION NO. 204-96

AUTHORIZING THE CHIEF OF POLICE TO OBTAIN BEHAVIORAL HEALTH BENEFITS INSURANCE COVERAGE FOR MEMBERS OF THE SAN FRANCISCO POLICE DEPARTMENT

WHEREAS, the demands and experiences encountered by urban police officers significantly impact their daily life; and

WHEREAS, police officers may, from time to time, require intervention to prevent interpersonal dysfunction; and

WHEREAS, benefits provided through a behavioral health program to alleviate job-related wear and tear are necessary; now therefore be it

RESOLVED, that the Police Commission authorizes the Chief of Police to obtain Behavioral Health Insurance benefits for the members of the San Francisco Police Department.

AYES: Commissioners Keker, Norman, Hewlett, Wong

RESOLUTION NO. 205-96

APPROVAL TO RESCIND GENERAL ORDER 4.01, "BOOKING AND DETENTION OF PRISONERS," AND THAT FUTURE AMENDMENTS TO POLICIES AND PROCEDURES BE INCLUDED IN THE BOOKING AND DETENTION MANUAL

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to rescind General Order 4.01, "Booking and Detention of Prisoners," and that future amendments to policies and procedures be included in the Booking and Detention Manual.

AYES: Commissioners Keker, Norman, Hewlett, Wong

RESOLUTION NO. 206-96

APPROVAL OF REVISED GENERAL ORDER 11.06 "PERSONNEL TRANSFERS"

RESOLVED, that the Police Commission hereby approves revised General Order 11.06, "Personnel Transfers."

AYES: Commissioners Keker, Norman, Hewlett, Wong


PUBLIC COMMENTS

William Bowser discussed concerns regarding Aaron Williams case.

DISPOSITION HEARING ON CHARGES FILED AGAINST OFFICER ROBERT L. HART, SUPPORT SERVICES (FILE NO. C56-208 JWA)

Put over to January 15, 1997 for closing arguments and disposition.

Thereafter, the meeting was adjourned at 8:20 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

JOHN KEKER
President

PAT NORMAN
Vice President

CLOTHILDE HEWLETT
Commissioner

JOSE MEDINA
Commissioner

FRANCIS W. WINT
Commissioner

L.T. MANUEL BARRETTA
Secretary

**CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING**

There will be no Police Commission Regular Meetings on Wednesdays, December 18, 1996, December 25, 1996 and January 1, 1997. The next Police Commission Meeting will be on Wednesday, January 8, 1997, at 5:30 p.m., in the Hall of Justice, Room 551.

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